

PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL
OF THE
UNITED PROVINCES

OFFICIAL REPORT

Volume LIX

From 27th June to 5th July, 1933



ALLAHABAD

Superintendent, Printing and Stationery, United Provinces, Allah-

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LEGISLATIVE COUNCIL UNITED PROVINCES OF AGRA AND OUDH

Tuesday, 27th June, 1933

THE Council met at "Old Sherwood" (Government House grounds),
Naini Tal, at 11.30 a.m. The Hon'ble Sir Sita Ram in the Chair.

PRESENT (83) :

<p>The Hon'ble Mr. E. A. H. Blunt. The Hon'ble Kunwar Jagdish Prasad. The Hon'ble Nawab Sir Muhammad Yusuf. The Hon'ble Mr. J. P. Srivastava. Mr. J. M. Clay. Mr. J. L. Sathe. Mr. P. Mason. Mr. P. M. Kharegat. Mr. H. A. Lane. Mr. J. J. W. Allsop. Mr. A. H. Mackenzie. Mr. H. J. Frampton. Rai Bahadur Pandit Suraj Din Bajpai. Khan Bahadur Saiyid Ain-ud-din. Rai Bahadur Babu Phul Chand Mogha. Saiyid Abdul Hasan. Mr. Hari Kishen Mathur. Mr. D. L. Drake-Brockman. Mr. S. T. Hollins. Mr. M. Masud Ali Khan. Mrs. Kailash Srivastava. Khan Bahadur Maulvi Fasih-ud-din. Mr. E. Ahmad Shah. Rai Sahib Babu Rama Charana. Mr. Perma. Rai Bahadur Babu Awadh Bihari Lal. Chaudhri Ram Dayal. Chaudhri Jagarnath. Rai Sahib Sahu Jwala Saran Kothiwala. Mr. Tappu Ram. Chaudhri Ram Chandra. Chaudhri Ghasita. Chaudhri Arjun Singh. Rao Bahadur Thakur Pratap Bhan Singh. Kunwar Girwar Singh. Pandit Joti Prasad Upadhyaya. Chaudhri Dhira Singh. Rai Sahib Kunwar Dhakan Lal. Thakur Balwant Singh Gahlot. Rai Bahadur Mr. Brij Lal Badhwar. Rao Bahadur Kunwar Sardar Singh. Babu Ram Bahadur Saksena. Babu Kamta Nath Saksena. Kunwar Jagbhan Singh.</p>	<p>Thakur Keshava Chandra Singh. Mr. Brijnandan Lal. Rao Narsingh Rao. Chaudhri Ram Adhin. Mr. Bhondu Ram. Pandit Shri Sadayatan Pandit. Raja Sri Krishna Dutt Dube. Rai Sahib Rajeshwari Prasad. Babu Adya Prasad. Thakur Giriraj Singh. Pandit Prem Ballabh Belwal. Thakur Jang Bahadur Singh Bisht. Pandit Brahma Dutt alias Bhaiya Sahib. Thakur Muneshwar Bakhsh Singh. Raja Birendra Bikram Singh. Rai Bahadur Kunwar Surendra Pratap Sahi. Mr. C. Y. Chintamani. Rai Rajeshwar Bali. Mr. Zahur Ahmad. Khan Bahadur Mr. Muhammad Abdul Bari. Syed Yusuf Ali. Khan Bahadur Muhammad Maqsood Ali Khan. Shah Nazar Husain. Mr. Muhammad Rahmat Khan. Khan Bahadur Muhammad Hadiyar Khan. Khan Bahadur Hafiz Hidayat Husain. Khan Bahadur Maulvi Saiyid Habibullah. Khan Bahadur Shaikh Ghulam Husain. Khan Bahadur Saiyid Jafer Hossin. Shaikh Afzal-ud-din Hyder. Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan. Khan Bahadur Sirdar Muhammad Shakir-dad Khan. Khan Sahib Muhammad Imtiaz Ahmad. Shaikh Muhammad Habibullah. Chaudhri Muhammad Ali. Rai Bahadur Kunwar Bisheshwar Dayal Seth. Raja Jagannath Bakhsh Singh. Rai Bahadur Babu Vikramajit Singh. Munshi Gajadhar Prasad.</p>
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MEMBERS SWORN :

The Hon'ble Kunwar Jagdish Prasad.
Mr. D. L. Drake-Brockman.
Mr. S. T. Hollins.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

O. no. Date

DISTRICT BOARD EDUCATION COMMITTEE, MAINPURI

- *17 17-3-'33 *1. **Khan Bahadur Muhammad Hadiyar Khan**: Was any amount spent on the travelling expenses of the Chairman, Education Committee, Mainpuri, in any year since the creation of the office? If so, how much and in which year?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava): Yes. Rupees 300 in 1932-33.

- *18 17-3-'33 *2. **Khan Bahadur Muhammad Hadiyar Khan**: How many schools in the management of the District Board, Mainpuri, have been abolished during the last three years and what was the number in each year?

The Hon'ble the Minister for Education: 69; 19 in 1929-30, 29 in 1930-31 and 21 in 1931-32.

- *19 17-3-'33 *3. **Khan Bahadur Muhammad Hadiyar Khan**: How much money was provided for the travelling allowance of the Chairman, Education Committee, Mainpuri, in the budget of the last year and in the budget of the current year, and how much in the year to come?

The Hon'ble the Minister for Education: Nil in 1931-32; Rs.300 in 1932-33; Rs.300 in 1933-34.

- *20 17-3-'33 *4. **Khan Bahadur Muhammad Hadiyar Khan**: What are the educational qualifications of the present Chairman, Education Committee, Mainpuri?

The Hon'ble the Minister for Education: Has studied up to class X.

Kham SYSTEM OF CULTIVATION IN TARAI AND BHABAR LANDS

- *10 18-3-'33 *5. **Pandit Prem Ballabh Belwal (absent)**: (1) Will the Government please state (i) which of the zamindari villages in the Bhabar tahsils (Haldwani and Ramnagar) of Tarai and Bhabar Government estate, Naini Tal, were cultivated before and (ii) which after the introduction of *kham* system of cultivation of land?

(2) What were the main considerations for granting proprietary rights in case of those villages which were settled after the *kham* system had been introduced?

(3) When was the *kham* system of cultivation first introduced in the tracts mentioned in (1) above?

The Hon'ble the Finance Member (Mr. E. H. A. Blunt): (1) The old records are not available, and it is, therefore, impossible to give the information asked for by the honourable member.

(2) The reasons for granting proprietary rights in the villages settled after the introduction of the *kham* system varied in each case. Government will give the information asked for in this part of the question.

about any particular village or villages if the honourable member O no. Date expresses a desire for it and specifies the villages about which he desires information.

(3) About 1850.

*6. **Pandit Prem Ballabh Belwal** (*absent*): (1) Will the Government please give out the names of rivers and streams from which water is taken for irrigation in the Bhabar and also the number of *kham* and settled villages irrigated by each of them separately? *11 18-3-'33

(2) Were the old villages free to make use of all water from rivers before the existence of *kham* villages? If not, what was the bar?

(3) Is it a fact that the *kham* villages brought under cultivation afterwards below the settled villages share equally the water with the old ones?

(4) Are Government aware that trees along the side of watersprings are being felled by the Forest Department? If so, will the Government be pleased to inquire whether this has any adverse effect on the normal supply of water?

The Hon'ble the Finance Member: (1) The information required is contained in "The Report on the Bhabar Canals" by Mr. C. H. Hutton, Executive Engineer, which consists of 61 printed pages and 10 maps. A copy of the book is in the office of the Revenue Secretary and will be shown to the honourable member during the current session if he asks for it.

(2) No records of the rights of the old villages exist.

(3) The water is distributed to all villages in proportion to the areas cultivated in each.

(4) The matter was taken up with the Forest Department, but it could not be proved that the fellings in the reserved forests had adversely affected the water supply. The fellings in the upper hills outside reserved forests are more likely to have affected the larger streams.

EXTENSION OF SERVICE TO EXECUTIVE OFFICERS OF MUNICIPAL BOARDS

*7. **Lala Shyam Lal** (*absent*): (1) Will the Government be pleased to inform the exact ages of executive officers of different municipal boards in the United Provinces on 31st March, 1933? *14(2)(3)
18-3-'33

(2) How many of those executive officers who have exceeded 60 years' age or shall be exceeding 60 years on 31st March, 1933, have applied for extension?

The Hon'ble the Minister for Local Self-Government (Nawab Sir Muhammad Yusuf): (1) A statement containing the information required by the honourable member is laid on his table.

(See Appendix A, page 60.)

(2) There are only three such officers and as two have been only recently appointed at the age of 60 or over, while the third has been given an extension by the municipal board on its own initiative, no question of applications for extension at present arises.

O. no. Date

APPOINTMENTS OF VETERINARY ASSISTANT SURGEONS

*18(b)(ii)
18-3-'33

*8. **Pandit Shri Sadayatan Pande** (*absent*): Will the Government be pleased to lay on the table a comparative statement showing the names of veterinary assistant surgeons, date of appointment, date of last promotion and the dates from which they are holding charge of dispensaries?

The Hon'ble the Minister for Local Self-Government: A statement is laid on the honourable member's table.

(See Appendix B, page 61.)

TREATMENT OF "B" CLASS PRISONERS IN FYZABAD JAIL

*23 16-2-'33
*26(a) 6-3-'33
*12 21-3-'33

*9. **Mr. C. Y. Chintamani:** Is it a fact that until about 21st October, 1932, the Superintendent of the Fyzabad Jail was carrying on talks with Mr. Sokhta—the representative of "B" class prisoners—for the restoration of jail discipline and promised not to take any individual or collective action before the 26th?

The Hon'ble the Home Member (Kunwar Jagdish Prasad): The late Superintendent of the Fyzabad Jail reports that he had no such talks with Mr. Sokhta.

*24 16-2-'33
*27 6-3-'33
*13 21-3-'33

*10. **Mr. C. Y. Chintamani:** Did the Superintendent of Fyzabad Jail stop all extra diet on medical grounds about the end of October last? Did he examine each case on its merits before taking that step?

The Hon'ble the Home Member: The late Superintendent reports that he examined each case in which he stopped extra diet before he took that step.

*28 16-2-'33
*31(b) 6-3-'33
*14 21-3-'33

*11. **Mr. C. Y. Chintamani:** Is it a fact that "B" class barracks of Fyzabad Jail were opened on the Diwali day as late as 2 p.m. and that the prisoners went without bath or food up to that time?

The Hon'ble the Home Member: Government understand that on 29th October, 1932, the barracks were opened one after another as it was necessary to conduct searches in them. There must have been some consequent delay in opening some of the barracks and there may have been some delay in serving food, but it is not known whether any barrack was opened as late as 2 p.m. There was a water supply in the barracks which would have enabled prisoners to have their baths if they wished to do so.

COURT OF THE SUB-DIVISIONAL MAGISTRATE, KASHIPUR

*37 16-3-'33
*35 6-3-'33
*15 21-3-'33

*12. **Babu Ram Bahadur Saksena** (*absent*): (a) What was the number of complaints filed in the court of the Sub-Divisional Magistrate, Kashipur, in 1930, 1931, and 1932?

(b) How many of these complaint cases have been dismissed under section 203 of the Civil Procedure Code?

(c) What is the number of complaint cases decided finally and on merits by the Sub-Divisional Magistrate during these three years?

The Hon'ble the Home Member: A statement is laid on the table.
(See Appendix C, page 67.)

ADMISSION OF THE SON OF A SUBORDINATE JUDGE IN THE
GOVERNMENT HIGH SCHOOL, RAE BARELI

O. no Date

*13. **Syed Ali Zaheer** (*absent*): (1) Is it a fact that a certain Sub-^{*2} 23-3-'33
ordinate Judge, when he was transferred from Sitapur to Rae Bareli,
wanted his son to be admitted in the same class at Rae Bareli, and that
such admission was refused by the head master of the Government
School there?

(2) Is it a fact that the ground on which the admission was refused
was that such an admission will contravene the instruction of the
higher authorities, inasmuch as they object to the admission of a larger
number of students than fixed by them?

The Hon'ble the Minister for Education: (1) Yes.

(2) The limits are laid down by paragraph 96(c) of the Educational
Code. The class was already full.

REMISSION IN LAND REVENUE IN MIRZAPUR DISTRICT

*14. **Pandit Shri Sadayatan Pande** (*absent*): Will the Government ^{*5} 23-3-'33
please state how many persons have been awarded remissions in land
revenue for life for loyal and meritorious services in the district of Mirza-
pur, giving full particulars of their names and the villages whose revenue
has been remitted between 1920 and now?

The Hon'ble the Finance Member: Fifty-seven, i.e. 55 Indian
military officers and two other persons, as detailed in the list laid on the
honourable member's table.

(See Appendix D, page 68.)

REALIZATION OF REVENUE FROM TALUQDARS

*15. **Syed Ali Zaheer** (*absent*): (1) Is it a fact that coercive mea-^{*6(2) (3) (4)} 23-3-'33
sures are being taken against such taluqdars who have not paid their
full revenue so far?

(2) Is it a fact that although the time within which a taluqdar is
required to pay his revenue is the end of March, but as the revenue is
not paid up in full during the first week of March, the property of such
taluqdar is being attached by revenue authorities?

(3) Is it a fact that such a case has occurred in the Sultanpur
District? Is the action taken by the District Magistrate of Sultanpur
consistent with the general policy of the Government in the matter of
the realization of revenue?

The Hon'ble the Finance Member: (1) Coercive measures were
taken against 12 taluqdars in the Fyzabad Division up to the end of
March, 1933.

(2) Attachments were made in two cases on 14th March, 1933, and
three others on 24th and 25th March, 1933. They were only used when
other means had failed and there was no hope of realizing the arrears
by other methods.

- Ques. Date** (3) In the Sultanpur District one estate was attached after it was found that rents were being collected without paying up the revenue. The action taken by the Deputy Commissioner was not inconsistent with the usual practice.

SAHARANPUR AND DEHRA DUN FOREST DIVISIONS

- *26 23-3-'33 *16. **Shah Nazar Husain (absent)**: Will the Government be pleased to state the expenditure on the repairs of forest bungalow and head-quarter buildings and also on the repairs of subordinate servants' quarters in the Saharanpur and Dehra Dun Forest divisions in the years 1931 and 1932 respectively?
- *27 23-3-'33 *17. Will the Government be pleased to state how many persons were prosecuted for poaching in the Saharanpur and Dehra Dun Forest divisions and how many were convicted in the years 1931 and 1932 respectively?

The Hon'ble the Home Member: Statements are laid on the honourable member's table.

(See Appendices E and F, page 71.)

BUDGET OF THE BENARES MUNICIPAL BOARD

- *1 27-3-'33 *18. **Mr. C. Y. Chintamani**: Is it true that the finance committee of the Benares Municipal Board have, as a result of their meetings held in February, 1933, been able to make up the deficit and balance in the budget for 1933-34?

The Hon'ble the Minister for Local Self-Government: No. The honourable member is referred to paragraph 5 of Municipal Department resolution no. 1332/XI, dated the 18th April, 1933, ordering the supersession of the Board.

MAINTENANCE OF FOREST ROADS IN SAHARANPUR AND DEHRA DUN DIVISIONS

- 28-3-'33 *19. **Shah Nazar Husain (absent)**: Will the Government be pleased to state the expenditure incurred on the maintenance and repairs of the motor and cart forest roads in Saharanpur and Dehra Dun Forest divisions in the years 1931 and 1932 respectively?

The Hon'ble the Home Member: A statement is laid on the honourable member's table.

(See Appendix G, page 72.)

DISTRICT CO-OPERATIVE BANK, GORAKHPUR

- *20. **Rai Sahib Rajeshwari Prasad**: Is it a fact that the names of certain members of societies, under the District Co-operative Bank, Limited, Gorakhpur, against whom execution of arbitration decrees has been taken out, have not been struck off from membership? If so, why?

The Hon'ble the Minister for Local Self-Government: Yes; because the societies in their own interest did not consider it advisable to expel the members concerned.

Rai Sahib Rajeshwari Prasad : Is it a fact that the Registrar of the Co-operative Societies has issued orders to the effect that the names of those members of societies against whom execution of decrees has been taken out should be struck off from membership?

The Hon'ble the Minister for Local Self-Government : Yes.

Rai Sahib Rajeshwari Prasad : Have these names been allowed to remain then at the instance of the societies or at that of the Assistant Registrar?

The Hon'ble the Minister for Local Self-Government : At the instance of both.

Rai Sahib Rajeshwari Prasad : Is it open to the societies to retain these names on the list of membership?

The Hon'ble the Minister for Local Self-Government : Yes, if it is found that it will be in the interest of the societies.

KHANPUR ESTATE, BARA BANKI DISTRICT

*21. **Thakur Rampal Singh (absent) :** (1) Is it a fact that the Special Manager, Court of Wards, Khanpur estate, district Bara Banki and his head clerk did not sign the report, dated the 25th February, 1927, sent to the Government in connexion with plots of land of Khanpur estate situated in mohalla Khyaliganj, Lucknow city? If not, why? *1 31-3-'33

(2) Is it a practice that such reports are signed by the Special Manager and the head clerk before submission to the Government and the Deputy Commissioner?

The Hon'ble the Finance Member : (1) If by this "report" is meant the narrative and Government Pleader's opinion, dated the 25th February, 1927, the records in the Board's office show that this was signed by the Assistant Manager and the head clerk.

(2) There are no definite rules about the signing of reports by Special Managers and head clerks. If the District Officer considers it is sufficient merely to forward on the report to the Special Manager, this report then naturally bears his signature and very often the signature or initials of the head clerk. But if the District Officer submits the report himself based on the report of the Special Manager it naturally contains his signature alone.

*22. **Thakur Rampal Singh :** (1) Is it a fact that the various plots, referred to in the report referred to in the above question form part of the Government grant made in favour of the ancestors of the ward? *2 31-3-'33

(2) Is it also a fact that the tenants of these plots have stated in the court of the Munsif, North Lucknow, and also in the court of the Judicial Commissioner in suit No. 7, dated the 28th January, 1930, that they were holding the land as tenants and not as proprietors?

(3) Is it also a fact that the said tenants have executed *sarkhats* in favour of the ancestors of the ward?

The Hon'ble the Finance Member : (1) If the report referred to in the question is the one mentioned in question No. 21 then it appears

O. no. Date from this that the land was given by Government for services during the Mutiny.

(2) No number, date, and year of the suit is mentioned, but if the suit in case is No. 961 of 1881 decided on 30th May, 1882, then in the judgment of this suit the Munsif stated "the oral evidence is all in favour of plaintiff and proves that the houses of raiyats were never sold to defendants."

There is no record of the case in the Judicial Commissioner's court.

(3) No such *sarkhats* exist in the Court of Wards office.

*2-A 31-3-'33 *23. **Thakur Rampal Singh:** (1) Is it a fact that in the case *Munney tenant* versus *Agha Baqar Husain* in the Special Magistrate's court, Lucknow, on 14th February, 1931, the conviction was held good by the Additional Sessions Judge, Lucknow, in criminal appeal No. 14/35 of 1931, and the Agha was convicted and fined for wrongful entry upon the property?

(2) Is it a fact that on the above conviction the Deputy Commissioner of Bara Banki passed orders again for taking possession, but the present Manager, Court of Wards, Khanpur estate, Bara Banki, submitted a report in 1931 and did not take possession as ordered?

The Hon'ble the Finance Member: (1) Date and number of case etc., cannot be verified as there is no record of the case in the Court of Wards file. The accused was fined for wrongful demolition of the complainant's *chapper* (thatch) which was in the ground of the compound in possession of the accused since pre-Court of Wards time.

(2) The Court of Wards was not a party in the case filed by Munney. The case was financed by the Court of Wards at the instance of *Chaudhri Difat Husain*. Under section 522, Criminal Procedure Code, the counsel for complainant applied for restoration of possession to Munney, but the request was not allowed by the court (in the Lucknow District). The Deputy Commissioner, Bara Banki, did not and could not give orders for taking possession of the land.

*24. **Thakur Rampal Singh:** (1) Is it a fact that in the case of *Munney tenant* versus *Agha Baqar Husain* in the court of the City Magistrate, Lucknow, Agha filed a written statement, dated the 10th November, 1930, in suit No. 359/281 of 1930 in which he has admitted that the plot on which Munney's house stood was not his property?

(2) Is it also a fact that in the case it was further proved by evidence of other persons that this property belonged to the Court of Wards and not to Agha Baqar Husain?

(3) Is it a fact that the Court of Wards did not take possession in spite of this?

(4) Is it a fact that the then Deputy Commissioner's orders to take possession were not carried?

The Hon'ble the Finance Member: (1) and (2) The word "suit" in the question is presumably a mistake for criminal "case." There is no record of the case in the Court of Wards office and the facts stated in the question cannot be verified.

(3) and (4) The honourable member is referred to the answer given to question No. 23(2).

*25. **Thakur Rampal Singh:** (1) What is the area of land given to Dr. Abdul Rahman out of Khanpur estate, mohalla Khyaliganj, Luck. now? O.no. Date *2(c) 31-3-33

(2) Is it a fact that he (Dr. Abdul Rahman) obtained a decree for this land in 1915 from the court of the Munsif, South Lucknow, in suit No. 58?

(3) Is it a fact that nearly 1 bigha of land belonging to the Khanpur estate in front of doctor's house consisting of old stables, etc., were not taken possession of by the estate even after the Deputy Commissioner's express orders in 1931?

The Hon'ble the Finance Member: (1) The Court of Wards did not give the land to Dr. Abdul Rahman.

(2) There is no record of this in the Court of Wards office.

(3) There are no orders of the Deputy Commissioner for this land.

*26. **Thakur Rampal Singh:** Is it a fact that the municipal board, Lucknow, acquired the shops at Qaisarbagh crossing and no other property belonging to the said Khanpur estate in 1914? *2(d) 31-3-33

The Hon'ble the Finance Member: The available records show that the Nazul Department, Lucknow, acquired the land for Rs.2,625 in 1913-14.

*27. **Thakur Rampal Singh:** (1) Is it a fact that the ward of the said estate wrote in 1924 to the then Deputy Commissioner and the Member of the Board of Revenue in charge of the Court of Wards Department for a complete transfer of certain plots situated in mohalla Khyaliganj in favour of his brother Chaudhri Iltifat Husain? *3 31-3-33

(2) Is it a fact that the Special Manager promised in writing to recommend the transfer?

The Hon'ble the Finance Member: (1) Yes.

(2) Which Special Manager is referred to is not clear. In 1924 Khan Bahadur Muhammad Mustafa was the Special Manager. There is nothing on record to show that he promised to recommend the transfer.

The present Special Manager, without any promise in writing, actually recommended the transfer, but the offer was not accepted by Chaudhri Iltifat Husain.

*28. **Thakur Rampal Singh:** (1) Is it a fact that only five years' lease was given to Chaudhri Iltifat Husain? *4 31-3-33

(2) Is it a fact that the brother refused to accept a lease? If so, is there anything in writing to support the alleged refusal?

The Hon'ble the Finance Member: (1) and (2) Yes. A lease for five years was given for the kachcha houses situated in mohalla Khyaliganj. Chaudhri Iltifat Husain refused to accept a lease for the two plots of land which the Board agreed to give him, because he wanted a lease for the entire Khyaliganj property, including the portions sold and auctioned, a long time previously.

O. no. Date
*4-A 31-3-'33

*29. **Thakur Rampal Singh:** Is it a fact that according to the said report, dated the 25th February, 1927, only two plots are now acknowledged as the property of the said estate? If so, under what transaction, if any, the other property, admittedly once belonging to and owned by the said estate, have been lost by the estate?

The Hon'ble the Finance Member: As is explained in the reply to question no. 21 there is no report of that date but if the narrative and Government Pleader's opinion of 25th February, 1927, is meant then in this it is stated that the conclusion after considering all the facts was that the estate was in possession of three small plots only for which it received annually a rent of Rs.16-8 and that it would be a waste of time and money for the Court of Wards to take up litigation for the rest of the property.

Presumably the transaction under the Court of Wards referred to is the one mentioned in question no. 26.

Most of the Khyaliganj property was lost to the estate in pre-Court of Wards time, a fact which was admitted in writing by Chaudhri Mustafa Husain, father of the present ward and in whose lifetime the estate was taken under the Court of Wards. The estate was taken under the Court of Wards in 1913 and practically the entire property in question had been dissipated before that date.

*5 31-3-'33

*30. **Thakur Rampal Singh:** (1) Is it a fact that old trees of the Khanpur estate standing on plot no. 14 had forcibly been cut by Agha Baqar Husain last year and the whole plot was taken possession of by the said Agha by demolishing the house of a tenant of the estate?

(2) Is it a fact that under orders of the then Deputy Commissioner an inquiry about the said plot was made by the Tahsildar and the Naib-Tahsildar of Lucknow and Sarbarahkar, Court of Wards, Bara Banki, in 1931?

(3) Is it a fact that these officers reported that the property belonged to the Court of Wards and the Court of Wards should take immediate steps to resume possession?

The Hon'ble the Finance Member: (1) There is no record about the cutting down and removal of trees by Agha Baqar Husain. As regards the remaining portion, the honourable member is referred to the reply to question no. 23 (1).

(2) and (3) The Naib-Tahsildar, Lucknow, made a report in consultation with Chaudhri Itifat Husain. No action was taken by the Deputy Commissioner as Government decided on the advice of the Government Pleader that only two or three biswas of the Khyaliganj property belonged to the Subeha estate and that it would be a waste of time and money for the Court of Wards to attempt to establish a title to the rest of the Khyaliganj property. This information was given to Chaudhri Itifat Husain in G. O. no. 1687/JA—345-1926, dated the 22nd April, 1927, addressed to him direct.

*6 31-3-'33

*31. **Thakur Rampal Singh:** Is it also a fact that the Government Pleader consulted Messrs. Muhammad Wasim, Bar-at-Law, and Matin-ud-din, Advocate, who were definitely of opinion that the said plots were the property of the Court of Wards?

The Hon'ble the Finance Member: There are no records to show that Mr. Wasim was consulted. The Government Pleader, Bara Banki, gave his opinion that the Court of Wards had no legal right or title to any of the plots referred to in the question and that they were only entitled to the two or three biswas in the actual possession of the Court of Wards mentioned in previous replies for which they are getting a rent of Rs.16-8. O. no. : Date

***32. Thakur Rampal Singh:** (1) Is it also a fact that the then Deputy Commissioner ordered in 1931 that plot no. 14, and also the land in front of the house of Ghosis and Kashmiris be taken possession by the Court of Wards? *7 31-3-'33

(2) Is it a fact that the Court of Wards took no steps to take possession?

The Hon'ble the Finance Member: (1) and (2) There are no such orders.

***33. Thakur Rampal Singh:** Is it a fact that the report, dated the 25th February, 1927, is based only on the inquiry made by the head clerk, the mukhtar and the amin and by no other higher official? *8 31-3-'33

The Hon'ble the Finance Member: As already stated there is no report of the date mentioned but if the narrative referred to in the reply to question no. 21 is meant this shows that it was signed by the Assistant Manager who presumably satisfied himself of the correctness of the facts on which it was based. There are no records to show what officials made inquiries in the case.

***34. Thakur Rampal Singh:** Is it a fact that on 1st October, 1930, on the younger brother's representation the then Deputy Commissioner, Captain Moss, ordered the Special Manager to take the file regarding Khyaiganj properties to Shaikh Maqbool Husain Sahib, but this order of the Deputy Commissioner was not carried out for four or five months during which time he held charge of the district? *9 31-3-'33

The Hon'ble the Finance Member: Captain Moss, who is now Secretary to the Board of Revenue, was Deputy Commissioner, Bara Banki, in October, 1931 and he recollects that he asked the Special Manager to see if Khan Bahadur Shaikh Maqbool Husain would take the trouble to explain the case to Chaudhri Iltifat Husain and make him realize how impossible his demands were. He cannot however recollect now whether this was actually done or not.

***35. Thakur Rampal Singh:** Is it a fact that the Nazul has sold some portion of the plot no. 14 to Agha Baqar Husain's father? If so, was any such portion sold during the time of the Court of Wards or before they took over the estate? *10 31-3-'33

The Hon'ble the Finance Member: No records are available.

***36. Thakur Rampal Singh:** (1) Is it a fact that under Court of Wards maintenance allowances and salaries have been reduced by 10 per cent? *11 31-

Q. no. 124 (2) Has the maintenance allowance of the younger brother of the ward been reduced to only 10 per cent. or more? If so, why?

(3) Is it a fact that the present Deputy Commissioner decided that no cut should be made in the allowance, and was this order not given effect?

The Hon'ble the Finance Member: (1) In accordance with the general orders on the subject the 10 per cent. cut was applied uniformly to the salaries of Court of Wards' servants only and not to all maintenance allowances of wards.

The allowances of wards were reduced only in those estates in which owing to a reduction of income through the fall in prices it was found absolutely necessary to reduce expenditure. Big reductions however had unavoidably to be made in the cases of bankrupt estates and those estates which were unable to pay annual interest charges on their debts. In a few cases it was necessary to reduce the allowances to the level of mere subsistence allowances.

(2) It is not understood what is meant by "reduced to only 10 per cent. or more." The Subeha estate is bankrupt and therefore it was impossible to pay anything more than mere subsistence allowances. The allowance of Chaudhri Iltifat Husain was reduced from Rs. 40 to Rs. 30 a month.

(3) The present Deputy Commissioner passed no such orders.

***12 214-22** ***37. Thakur Rampal Singh:** (1) Is it a fact that the Special Manager reported to the present Deputy Commissioner that Chaudhri Iltifat Husain was dismissed from Court of Wards' service?

***12 214-22** (2) Is it also a fact that the ward's younger brother applied to be appointed an honorary sarbarahkar or assistant manager in the estate but the Special Manager told the Deputy Commissioner that the ward did not approve of his appointment in the estate?

(3) Were the wishes of the ward consulted?

(4) Is it a fact that the ward was not against the appointment?

(5) Are wards usually consulted in such appointments?

The Hon'ble the Finance Member: (1) The answer is in the negative.

(2) and (4) Chaudhri Iltifat Husain applied to be appointed as paid sarbarahkar or in the alternative as honorary sarbarahkar in his brother's estate and a vacancy in the post of paid sarbarahkar occurred. The present Special Manager recommended him for honorary work in his brother's estate but Mr. Dikshit, the then Deputy Commissioner, did not approve of this. He directed that the ward's wishes should be ascertained but the ward did not reply.

(3) Yes.

(5) These are the facts of the present case.

***12 214-22** ***38. Thakur Rampal Singh:** Is it a fact that a puca well in mohalla Bhainsan, Lucknow, was built in 1907, is the property of Kharpur estate, and that the water from the well has been let out to washermen on Rs. 100 per annum by Acha Bhai?

The Hon'ble the Finance Member: There are no records in the Court O. no. Dat of Wards office on the point.

DISTRICT BOARD, HARDOI

*39. **Thakur Muneshwar Bakhsh Singh:** Is it a fact that the budget for the year 1933-34 of the District Board, Hardoi, even after making provision for election expenses is a surplus budget? *14 31-3-33

The Hon'ble the Minister for Local Self-Government: The budget has been balanced, but only by omitting various pressing departmental demands in the medical and other departments, while if provision is made for a paid secretary, election expenses and improvement of communications, estimated expenditure is expected to exceed anticipated income by upwards of Rs.40,000. Moreover, the Rs.50,000 invested funds previously held by the board had to be liquidated in 1931-32 and have not yet been replaced. In spite of its nominal balance, therefore, the budget for the current year can hardly be described as a surplus budget.

*40. **Thakur Muneshwar Bakhsh Singh:** Will the Government be pleased to give the following information? *15 31-3-33

(a) What will be the time for holding the District Board election at Hardoi?

(b) Are the electoral rolls in preparation?

(c) If the answer to question (b) above be in the negative, will the Government be pleased to give the reasons therefor?

The Hon'ble the Minister for Local Self-Government: (a) The elections would normally have been held during the month of July, but Government have decided to extend the period of supersession.

(b) No.

(c) Because it has been decided to extend the period of supersession.

Thakur Muneshwar Bakhsh Singh: In answer to question no. 39, the Hon'ble Minister has stated that there is no provision at present for a paid secretary. May I know then from where this paid secretary draws his pay?

The Hon'ble the Minister for Local Self-Government: The phrase used in the reply is "if provision is made for a paid secretary."

Thakur Muneshwar Bakhsh Singh: This phrase shows that there is no provision for this purpose at present.

The Hon'ble the Minister for Local Self-Government: Yes, but it will have to be made I suppose, in case it is decided later on that there should be a paid secretary. As the Board has now been superseded, the question of a paid secretary hardly arises.

Thakur Muneshwar Bakhsh Singh: But the secretary is there already, and he is paid by the Board. May I inquire from the Hon'ble Minister from where he draws his pay when there is no provision for it in the budget?

The Hon'ble the Minister for Local Self-Government: We are not aware that the secretary is a paid officer at present.

O. no. Date **Thakur Muneshwar Bakhsh Singh:** With reference to question no. 40, may I know up to what time the period of supersession has been extended?

The Hon'ble the Minister for Local Self-Government: It has been extended up to the end of the financial year.

Thakur Muneshwar Bakhsh Singh: May I know the reasons for this extension?

The Hon'ble the Minister for Local Self-Government: Because schemes in hand have to be seen through before the period of supersession is put an end to.

REALIZATION OF FEES FROM THE LITIGANTS IN ALLAHABAD HIGH COURT AND OUDH CHIEF COURT

*41. **Munshi Gajadhar Prasad:** Will the Government be pleased to state the amount of sums realized in 1932 from the litigants in the High Court at Allahabad and the Chief Court at Lucknow, in shape of (1) court-fees, (2) cost of translation and printing in (a) First Appeals and (b) Second Appeals, (3) cost of summoning the records from the courts below and (4) fees deposited for inspection of records?

The Hon'ble the Home Member: A statement is laid on the table.

(See Appendix H, page 72.)

LEASE OF CULTURABLE LANDS

*42. **Munshi Gajadhar Prasad:** (a) Will the Government be pleased to state how many acres of uncultivated but culturable soil, not in the possession of any tenant, are available at present in the Government estates in these provinces?

(b) Is it a fact that in the Government estates leases are given to different lessees of fairly big portions of land for a limited number of years?

(c) Do such leases as a rule go to the highest bidders, or are the respectability, character and past antecedents of the candidates for such leases also taken into account?

The Hon'ble the Finance Member: (a) The area of culturable waste land is entered in the patwari's papers as 58,000 acres in the Tarai and Bhabar Estates, 54,242 acres in the estates managed by the Board of Revenue and 62 acres in the Garhwal Bhabar Estate.

In the Tarai and Bhabar Government estates leases for large areas are renewable up to 99 years, but in some cases a 99 years' lease is given outright. In the Garhwal Bhabar Estate leases are given to different lessees of small portions of land for building and gardening purposes for a limited number of years. In the Government estates managed by the Board of Revenue, leases of the kind mentioned in the question are given only in those cases where direct management is considered unsuitable.

(c) Neither in the Tarai and Bhabar Estates nor in the estates managed by the Board of Revenue are such leases put to auction. In the Garhwal Bhabar Estate such leases as a rule go to the highest bidders. There in some cases the rent of the plots is fixed beforehand.

In the Tarai and Bhabar land is usually given to persons of proved merit and sound financial position and, in the estates managed by the Board of Revenue, to persons who are likely to treat their tenants well and are not mere speculators. The respectability and past antecedents of the candidates are taken into account.

DEPUTATION OF SPECIAL REVENUE OFFICER AT AGRA

*43. **Rai Sahib Lala Anand Sarup** (*absent*): (1) Will the Government be pleased to state if there is any special revenue officer deputed at Agra to collect land revenue and water rates? If so—

(a) for how long has he been there,

(b) whether temporary, as an experimental measure or permanent?

(2) What necessitated the Government sending a special officer to that district?

(3) Are there any other districts where such revenue officers are sent? If so, which?

(4) Are such officers entrusted with other works in addition to the collection work of land revenue, etc.? If so, what?

The Hon'ble the Finance Member: There is no special revenue officer deputed at Agra to collect land revenue and water rates, but the Collector of Agra has an officer on his staff who gives him help in the collection of the above dues. This officer who is a deputy collector was posted to Agra at the end of *khari* 1338 *Fasli*, when special difficulty was experienced in collection work. He gets no special pay or allowances and collection work forms only a small part of his duties. In addition to that he hears appeals under the Agra Tenancy Act and criminal appeals. He is also Land Acquisition and Excise Officer for the district.

In the Meerut district there is a special Revenue Officer who, besides supervising the collection work, also supervises the Land Revenue, Canal, and *takavi* accounts of all the tahsils in the district and is in charge of the Chief Revenue Accountant's office.

REALIZATION OF RENT AND LAND REVENUE IN MUZAFFARNAGAR DISTRICT

*44. **Rai Sahib Lala Anand Sarup** (*absent*): Will the Government be pleased to furnish the following information about the Muzaffarnagar District? :

(a) The total amount of rent and land revenue in the year 1338 *Fasli*.

(b) The amount of remissions made in rents and land revenue in that year.

(c) The total amount of rent and land revenue in the year 1339 *Fasli* including the periodical enhancement.

(d) The amount of remissions made in the rents and land revenue in the year 1339 *Fasli*.

Q. no. Date

(e) The amount of periodical enhancement made there in the year 1339 Fasli and the amount of remission in land revenue out of it,

(f) The total amount of rents and land revenue in the year A. D. 1903.

The Hon'ble the Finance Member: A statement is laid on the honourable member's table.

(See Appendix I, page 73.)

MR. HABIBUL HASAN, CLERK, CIVIL VETERINARY DEPARTMENT, AGRA

*43(e)

31.3.33

*45. **Pandit Shri Sadayatan Pande** (*absent*): What is the date of birth of Mr. Habib-ul-Hasan, clerk, Civil Veterinary Department, Agra, as ascertained from his previous employment in other provinces?

The Hon'ble the Minister for Local Self-Government: The date of birth as recorded in Bihar and Orissa is not available as the service book in question has been destroyed.

MAINTENANCE OF CANALS IN THE BHABAR

*12 17.3.33

*44 31.3.33

*46. **Pandit Prem Ballabh Belwal** (*absent*): (1) How many canal heads are maintained in the Bhabar by (i) the Government and (ii) the zamindars?

(2) What has been the minimum and maximum Government expenditure (a) recurring, (b) non-recurring, during the last ten years in case of each canal head?

The Hon'ble the Finance Member: (1) (i) Eighteen.

(ii) One, excluding small petty guls.

(2) (a) The maximum cost of ordinary repairs to all canal heads in the estates in any one year in the last ten years has been Rs.22,791 and the minimum Rs.13,183. Separate accounts by canal heads are not kept.

(b) The maximum and the minimum expenditure on special repairs to canal heads in the past ten years has been as follows:

Name of head			Maximum	Minimum
			Rs.	Rs.
Gaulawar .. .. .	..	..	3,015	245
Gaulapar .. .. .	..	..	6,546	372
Chorgallia .. .. .	..	..	902	902
Ramnagar .. .. .	..	..	20,315	234
Kaladhungi .. .. .	..	..	6,565	665
Dabka .. .. .	..	..	1,117	1,047
Kota .. .. .	..	..	864	357

There has been no expenditure on special repairs to other heads.

*13 17.3.33

*45 31.3.33

*47. **Pandit Prem Ballabh Belwal** (*absent*): What is the maintenance cost of irrigation per bigha incurred by Government in the Bhabar?

The Hon'ble the Finance Member: The expenditure on irrigation per bigha incurred by Government during 1931-32 was five annas and six paise for the whole estates. Separate accounts for the Tarai and Bhabar are not kept.

BAD DEBTS WRITTEN OFF BY THE ESTATES UNDER THE COURT OF WARDS O. no. D
IN AGRA DIVISION

*48. **Rao Krishnapal Singh** (*absent*): What is the total amount that has been written off as bad debts by the estates managed by Court of Wards in the Agra Division in 1339 *Fasli* under—

(1) rents;

(2) canal dues?

	Rs.	a.	p.
The Hon'ble the Finance Member: (1) Rents	...	18,753	9 0
(2) Canal rates	...	918	8 0

UNSTARRED QUESTIONS

APPOINTMENT OF MUSLIMS IN GOVERNMENT EDUCATIONAL INSTITUTIONS

1. **Khan Bahadur Muhammad Hadiyah Khan:** Since when there are no Muhammadan head masters in normal schools in the United Provinces? 3(c) 24-3-'33

Mr. P. M. Kharegat: Since July, 1913.

2. **Khan Bahadur Muhammad Hadiyah Khan:** Will the Government please state the number of boarding house superintendents in the Government and Normal Schools and Government Intermediate Colleges and how many are Muhammadans? 4 24-3-'33

Mr. P. M. Kharegat: 81; 11.

3. **Khan Bahadur Muhammad Hadiyah Khan:** Does the Government know that there are certain posts of superintendent of boarding houses reserved for Muhammadans? If the answer is in the affirmative, will the Government please give the number of Muhammadan boarding house superintendents, after excluding the aforesaid number? 5 24-3-'33

Mr. P. M. Kharegat: No. Does not arise.

4. **Khan Bahadur Muhammad Hadiyah Khan:** Will the Government please state the number of games superintendents in Government institutions up to December 31, 1931, and how many of them were Muhammadans and what was their number at the end of the year 1932? 7 24-3-'33

Mr. P. M. Kharegat: The number of games superintendents on December 31, 1931 and December 31, 1932 was 62 and 69, respectively, of whom 15 and 20 respectively were Muslims.

5. **Khan Bahadur Muhammad Hadiyah Khan:** (a) Will the Government please state the names of such Government educational institutions where there are no Muhammadan servants to give water to the Muslim students? 8 24-3-'33

(b) What arrangements has the Government made at such places where such students read who do not drink water touched by any man other than that of their own community?

Mr. P. M. Kharegat: (a) A statement is laid on the table of the honourable member.

(See Appendix J, page 74.)

(b) From inquiries made it appears that Muslim students in Government institutions in this province do not object to taking water from

O. no. Date vessels touched by a non-Muslim. The question of making separate arrangements does not, therefore, arise.

3 31-3-'33 6. **Kunwar Girwan Singh:** (*Withdrawn*).

PUNISHMENT OF CERTAIN SERVANTS OF AGRICULTURAL DEPARTMENT

6 31-3-'33 7. **Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan:** Will the Government be pleased to state if there were any special reasons for condoning the faults of the four persons named in the foregoing question and upholding the punishments awarded to the following?—

(1) M. Imdad Ali ..	.. Farm clerk.
(2) Ghulam Sarwar ..	.. Peon.
(3) Rizwan Husain ..	.. Veterinary Assistant.
(4) Zubair Qain ..	.. Member of Subordinate Agricultural Service.
(5) Mahboob Ali ..	.. Engine driver.
(6) Shahid Raza ..	.. Mistree.
(7) Ali Muhammad ..	.. Motor driver.
(8) Abdul Quddus ..	.. Fieldman.

Mr. P. M. Kharegat: There were adequate reasons, in the opinion of the appellate authority concerned, for setting aside or subsequently modifying the orders in the case of the four persons named in unstarred question no. 5 for March 31, 1933.

No punishment has been awarded to nos. 1 to 6 in the list. No. 1 was invalided; he did file an appeal but as he was not medically fit, his services could not be retained. No. 2 resigned. No. 3 was on probation and could not be confirmed on account of unsatisfactory work; his appeal was rejected as no appeal lies in such a case. The case of no. 4 is still under investigation. Nos. 5 and 6 suffered in the course of general retrenchment. Nos. 7 and 8 are the only cases of punishment, and they filed no appeals. No. 8 resigned.

7 31-3-'33 8. **Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan:** Will the Government be pleased to lay on the table a copy of the charges framed against the persons mentioned in the above question as well as a copy of their explanations and the final orders passed in each case?

Mr. P. M. Kharegat: Copies of the orders passed in cases nos. 7 and 8, mentioned in the preceding question, are laid on the table. Copies of other proceedings may only be supplied on application to the persons affected by the orders passed.

(See Appendix K, page 75.)

KEDARNATH TEMPLE

10 25-3-'33 9. **Babu Ram Bahadur Saksena:** Will the Government be pleased
 11 14-3-'33 to state under what authority Tehri Darbar prevented the Rawal of
 11 31-3-'33 Kedarnath from appointing a manager of his choice, as is stated in Ex. 26 published on page 56 of the Hindu Religious and Charitable Endowments Committee record of Garhwal Sub-Committee Enquiry, part II?

Mr. P. Mason: According to the scheme of management the Rawal of Kedarnath had no authority to appoint a manager without the permission of the British Government and the Tehri Darbar.

10. **Babu Ram Bahadur Saksena :** Are Government aware that Tehri Darbar appointed one Narain Dutta, a manager of Kedarnath temple about 1915? O. no. Date
11 25-2-'33
3 16-3-'33
12 31-3-'33

Mr. P. Mason : Yes.

11. **Babu Ram Bahadur Saksena :** Are Government aware that Tehri Darbar audited and controlled accounts of Kedarnath temple? 12 25-2-'33
4 16-3-'33
13 31-3-'33

Mr. P. Mason : Yes, under paragraph 9 of the scheme of management the Darbar possesses such power.

BADRINATH TEMPLE

12. **Babu Ram Bahadur Saksena :** (a) Is it a fact that the offices and treasury of Shri Badrinath are located at Joshimath in accordance with the unbroken practice of centuries and cannot be removed from there without injuring the religious susceptibilities of the Hindus? 14 25-2-'33
5 16-3-'33
14 31-3-'33

(b) Are Government aware that the transfer of Badrinath to Tehri will consequently involve that transfer of the entire area from Badrinath to Joshimath?

Mr. P. Mason : (a) The office and treasury of Badrinath temple have long been located at Joshimath. There is no record to show whether this is in accordance with "the unbroken practice of centuries" and no reason to suppose that their removal would injure the religious susceptibilities of Hindus, though it might offend those who benefit materially from the present location.

(b) No: if the Darbar did not approve of the offices and treasury remaining at Joshimath, or experienced any difficulty in managing them there, they would doubtless transfer them elsewhere.

ANNOUNCEMENT *re* ASSENT OF THEIR EXCELLENCIES THE GOVERNOR AND GOVERNOR GENERAL TO CERTAIN ACTS, PASSED BY THE COUNCIL.

The Hon'ble the President : I have to announce that the United Provinces District Boards (Amendment) Act, I of 1933, which was passed by this Council on 16th February, 1933, received the assent of His Excellency the Governor on 1st March, 1933, and that of His Excellency the Governor General on 22nd March, 1933.

I have also to announce that the United Provinces District Boards (Second Amendment) Act, II of 1933, which was passed by this Council on 16th February, 1933, received the assent of His Excellency the Governor on 20th February, 1933, and that of His Excellency the Governor General on 25th March, 1933.

The Hon'ble the President : I had directed as a special case that the Council should meet today at 11.30 a.m. I thought that this would better suit the convenience of honourable members who perhaps require time in Naini Tal to settle down, specially in an inclement weather like this. But from tomorrow we shall meet, as usual, at 11 o'clock, and again from tomorrow I propose to adjourn the Council for recess at 1 and meet at 2 p.m.

A BILL TO AMEND THE AGRA UNIVERSITY ACT,
VIII OF 1926

Pandit Joti Prasad Upadhyaya: Sir, I beg to present the report of the Select Committee on the* Bill to amend the Agra University Act, VIII of 1926, and further move that the Bill be taken into consideration and passed.

Mr. C. Y. Chintamani: Sir, is that motion in order? The honourable member has at one and the same time presented the report and moved for the consideration of the Bill and also moved for the passing of the Bill.

Pandit Joti Prasad Upadhyaya: Sir, I think it has been the tradition of the House . . .

The Hon'ble the President: The motion before the House now is that the Bill be taken into consideration. The next motion that the Bill be passed will come later.

Pandit Joti Prasad Upadhyaya: Sir, I beg to present the report of the Select Committee on the Bill to amend the Agra University Act, VIII of 1926, and further move that the Bill be taken into consideration.

The Hon'ble the President: The question is that the Bill to amend the Agra University Act, VIII of 1926, be taken into consideration.

The question was put and agreed to.

The Hon'ble the President: There are no amendments on the order paper.

Pandit Joti Prasad Upadhyaya: Sir, I beg to move that the Agra University Amendment Bill be passed.

Khan Bahadur Hafiz Hidayat Husain: Sir, as perhaps the only member of the Executive Council of the Agra University present here I welcome this amending Bill that is going to be passed by this Council. I trust, Sir, that the several amendments of the Agra University Act that have been lately recommended by the Executive Council will be equally accepted and that this Act of the Agra University will be brought to that level which would effectively further the cause of education in these Provinces.

Sir, I take this opportunity to point out that this Act was passed in 1926, at a time when Kunwar Jagdish Prasad was the Education Secretary. Today when the first amendment of the Act is being considered, the Hon'ble Kunwar Jagdish Prasad occupies the high office of Home Member of these Provinces and as such has taken his seat for the first time in the Council today. On behalf, therefore, of all the members of this Council I desire to convey our most hearty congratulations to the Hon'ble Kunwar Jagdish Prasad on his appointment to the exalted office. I have no doubt that his transparent sincerity of character, his absolute frankness and his honesty of purpose will be reflected in the life of the Province to which he as a leader will now belong, and that inside the Council, he will give us the benefit of his long experience.

The Hon'ble the President: The question is that the Bill to amend the Agra University Act, VIII of 1926, be passed.

The question was put and agreed to.

* See Appendix I, page 76 *infra*.

A BILL TO AMEND THE UNITED PROVINCES
MUNICIPALITIES ACT

The Hon'ble the President: Honourable members who have got a copy of the provisional agenda will notice that there was a Bill standing in the name of Lala Shyam Lal seeking to amend the Municipalities Act. Unfortunately his mother died about two or three days ago and he is not present here today. If during the course of the next few days he happens to come, I shall put the Bill on the agenda. We shall go on with the next item meanwhile.

A BILL TO PROVIDE FOR THE SUPPRESSION OF IMMORAL
TRAFFIC IN THE UNITED PROVINCES

Mr. E. Ahmad Shah: Sir, I beg to move that the Bill to provide for the suppression of immoral traffic in the United Provinces be taken into consideration.

Shaikh Muhammad Habibullah: I rise to oppose the motion of my friend Mr. Ahmad Shah. I think it must be in the recollection of this House that it was the other day, sitting in this very place, that an identical Bill was thrown out by this House at its third reading.

The Hon'ble the Minister for Education: It was different.

Shaikh Muhammad Habibullah: I hear people say that it was different. They have to show that it was. If this Bill has come before us in a different form it has come in a worse form. It is said that it is to the credit of Mr. Ahmad Shah that he had the moral courage to bring the Bill again before this House, that he was doing an act which affects the morality of the female sex of this country. I said and I say so again with all emphasis that Mr. Ahmad Shah has fluted the decision of this House which was recorded and which threw out his Bill. Mr. Ahmad Shah, I know, is a great religious man, and I know that he is working under the mandate of his own order, and that he would respect more mandate of his order than he would respect the opinion of this Council.

(Voices of No, no.)

He has shown it by his Act, there cannot be two opinions about it. I have always appreciated the work of the Christian missionaries in the line of education, especially for girls and women, and I wish I could see eye to eye with Mr. Ahmad Shah in his attempt to legislate a measure which he has selected, as a representative and nominated representative of his community, to bring forward before this House. Mr. Ahmad Shah has canvassed heavily. He has even received the support of the Press on this occasion. I am very sorry to remark that the Press which has supported him has not the least idea of the social structure of this country.

(A voice: Who has canvassed for the dancing girls?)

That is not a matter to be considered in connexion with this Bill. I go further and I consider the interests of those ladies who are the ideals of India. After all there is action and reaction. When an action is taken there should be reaction, and gentlemen, we should consider what should be the effect of this reaction when this absurd

[Shaikh Muhammad Habibullah.]

Bill is passed to law as it stands. There is no one who will not support destruction of immorality from among its members. I have got the same feeling about the subject of prostitution as Mr. Ahmad Shah has. Mr. Ahmad Shah being a philosopher ought to have devoted some time in studying the philosophy and the psychology of sex. I told him last time and I say again that he reads immoral philosophy and he is biased and comes here with the religious mandate to introduce this Bill. But if he studies the subject of sex psychology, I am sure he will shudder to bring forward a Bill like this. I should like to challenge Mr. Ahmad Shah to let me know how prostitution has come into existence. What is the origin of prostitution? I may tell him that it is civilization which is the origin of prostitution and nothing else. Prostitution does not exist anywhere where there is no civilization. If I go back to the history of prostitution, I may tell Mr. Ahmad Shah that it existed at the time when the Roman Empire was at its height, and it was part of the religious movement that brought prostitution into existence. It is the product of civilization. It is not the product of barbarism. I should like to put Mr. Ahmad Shah a further question, as to how prostitution has developed. I should like to know from him what useful part does prostitution fulfil in the existence of the present civilization, and what are its evil and its beneficent effects. He has not studied these questions. He has not studied the bearing of human psychology on sex. I must explain to him that after all human psychology is human psychology. In any place where there exists a law against prostitution what is the state of affairs? Take for example the European institutions. Now England is the first place. The British are the people who take pride in having stopped prostitution, by legislating on that point. Well, Sir, you go to any British cantonment today; what do you find there? They have prostitutes for their soldiers. Why? They have studied human psychology and they know that human psychology necessitates that step.

Rai Bahadur Babu Vikramajit Singh: That is not in England, but in India.

Shaikh Muhammad Habibullah: You mean to say that when the Europeans come out to India they want prostitutes? Well, I don't know that, of course India is hotter than England. We are proud of the fact that our womanhood is chaste. I have described just now that I would abhor, I would detest doing anything that would in any way react on the social structure of our society. Supposing we stop prostitution today what will be the result. I have said that in certain cases provisions have got to be made, especially in India for the outlet of the human nature. Well, if you stop that outlet, do you mean to say that you would influence our young men who want to lead the life of a bachelor to encroach upon the liberties of innocent girls, their neighbours, their acquaintances and their friends? I know Mr. Ahmad Shah acts in good faith, but I wish him to go about and study what is going on. I am sure that if he had done so he would not have brought up this Bill. I am only telling him now to show him the impossibility of putting prostitution by means of legislation.

The Hon'ble the President: Are you asking the Chair to do it or what?

Shaikh Muhammad Habibullah: I think it will be most convincing to most of my legal friends who are present here as to the bearing of law on sex. I am quoting the best authority Huntington Cavius in a book called "Sex in Civilization." There is an introduction by Havelock Ellis. The quotation is as follows "Attempts to suppress prostitution by the promulgation of harsh and sumptuary laws have always failed. Even the French and German attempt to combat it by police regulation is entirely unsatisfactory as Flexner in his study of European prostitution points out. Not only does police regulation fail as an hygienic measure, and become contemptible as a system of espionage, but the very evil it sets out to destroy flourishes more than ever under its supervision. The direct part that law can play in dealing with prostitution is very small. The factors contributing to the prevalence of prostitution are not of the type that can be combated by direct legislation. The problem must be attacked indirectly and at sources far removed from the main stream. Havelock Ellis employs Herbert Spencer's illustration of the bent iron plate to make this all important point clear. The bent iron plate cannot be made smooth, Spencer pointed out, by hammering directly on the buckled up part. 'If we do so, we merely find that we have made matters worse; our hammering, to be effective, must be around and not directly on, the offensive elevation we wish to reduce; only so can the iron plate be hammered smooth.' And it is so with the problem of prostitution; no amount of force applied to the evil itself will affect it save only to make matters worse. The role assumed by the law in this field must be largely passive. The problem of law and morality is the most vexatious with which jurists have had to deal. Simply stated, the problem is. What ideas of right and wrong shall be enacted into law? What characteristics or qualities must customs and practices possess before the law should impose a penalty for failing to observe them or for indulging in them. By what standards should the law judge acts in framing legislation to suppress or encourage them?"

This is quite enough to show that a social reform of this kind cannot be brought through legislation. There are other sources. Now I will just give you a very simple example. Here we are. The whole country at this time is engaged in the uplift of Harijans. Supposing tomorrow we legislate in this House that every Brahmin is to marry out of his caste or has got by law to have meals with people with whom he does not wish to eat. Social inducement is a very simple thing which is being followed. But can we legislate? I should like to know if we can. Mr. Ahmad Shah has brought about a legislation by which he is forcing the people to reform socially. But what will be the result? I think it will be worse. Prostitution in another form will get into our social structure. In trying to uplift the people we must really adopt social means, and not penal measures. Mr. Ahmad Shah is very fond of such measures for the suppression of what he calls brothels. I do not know if there are brothels in this country but let me assume that there are.

Rai Bahadur Babu Vikramajit Singh: In Lucknow.

Shaikh Muhammad Habibullah: None. There may be some in Cawnpore.

I think I know things better in Lucknow. What will be the position of brothels under this Police control? Exactly like that of common gaming houses. Do they or do they not exist under the patronage of the police? Will the brothels continue or discontinue under the wings of the police?

Several voices: No, no.

Shaikh Muhammad Habibullah: As a gambler has got to go and make the police *khush*, so will the prostitutes have to send them presents in the form of girls to keep them *khush*.

Mr. S. T. Hollins: Libel.

Shaikh Muhammad Habibullah: That will be the position of brothels under the patronage of the police. Mr. Ahmad Shah is an idealist. He does not mind the verdict of the Council; he is working under a mandate and I give him credit for that, although, as I have said, a mandate of this kind when he is flouting the opinion of the Council is rather a bad business. Well, again I find he has made provisions for that absurd institution which he calls rescue homes for the girls. In the first place I do not know how he will achieve his object through these rescue homes; he has got to explain this. He says that the girls who are rescued should be sent to these homes. I should like to ask Mr. Ahmad Shah very mildly as to how many religions exist in India. Does he think that Christianity is the only religion? I know there are hundreds of religions among the Hindus; there are varieties of religions among the Muhammadans; but I do not know how many rescue homes are going to be established and by whom?

Khan Bahadur Hafiz Hidayat Husain: There is only one religion amongst the Muhammadans.

Chaudhri Muhammad Ali: Is the honourable gentleman a Shia or a Sunni?

Shaikh Muhammad Habibullah: They should not be influenced by the teachings of other sects or religions; they should cling to their own religion, the religion which they professed before they were rescued. Now this question of brothels and rescue homes is a most important question. I should like to know if we are to turn out all these prostitutes who have been living in India for generations following their various religions and carrying on their profession from their houses and relegate them to these rescue homes. If so, I think Mr. Ahmad Shah will find his task not easy. Let us take it for granted that his attempt at assuming all these houses of the prostitutes as brothels does succeed. Now, Sir, these girls from the age of 7 or 8 are taught dancing or singing and they get this training until the age of 13 or 14. Mr. Ahmad Shah says that when a girl attains that age she should be rescued. I do not know how she will be rescued unless the girl goes to Mr. Ahmad Shah and says—"Look here I have attained that age, I do not want to enter a profession which I hate and send me to a rescue home. So far I have been very well looked after, now take me away. I do not want to follow this profession." Then if the girl is taken away to a rescue home—(and by whom?), everything in the form of jewellery which she

wears should be presumed as belonging to her. Now, Sir, I could not understand the clause in the Bill under which whoever takes away the girl shall be of the same religion as the girl. I know of secret cases in which it was said that missionaries took away girls with their jewellery which disappeared.

Pandit Joti Prasad Upadhyaya : Will the honourable member kindly give a specific instance of this?

Shaikh Muhammad Habibullah : I shall be very glad to do so. Now, Sir, in my opinion this Bill is mostly theoretical and imaginary. It is the work of the mind of a person who has never had occasion to see the real life and who had no occasion to see things in their true perspective. Mr. Ahmad Shah really in his zeal as a religious man and in his zeal, which he believes to be a true zeal, in the suppression of prostitution, has brought up this Bill. I think it is a Bill which is injurious for the advancement of the ladies of India. It is a Bill which will reflect very badly on the morality of the ladies of India the virtue of which we are so much proud. At present we can say, so and so is a prostitute and she cannot be allowed to come into a certain society. If the Bill is passed, prostitutes will freely come forward and say, "how can you say that I am a prostitute because prostitution has been stopped, and because prostitution has been stopped there are no prostitutes, I can rub shoulders with you. I should be admitted to every society". Sir, much can be said on this point. I am absolutely certain that at the present moment the elected members of this Council will not vote for this Bill, because no sensible member will bring forward such a Bill so long as he knows that his election is subject to the vote of his constituency. I, therefore, do not think that the Bill should be referred to a select committee to be eventually thrown out at last as in the case on the last occasion.

The Hon'ble the Finance Member : Before the Council dives deeper into the somewhat murky recesses of sex psychology and takes a decision on such a difficult question as when a brothel is not a brothel, I think I had better explain at once that the Government is not going to join them in their researches. This being a purely social question, Government is going to remain purely—or impurely—neutral.

Mrs. Kailash Srivastava : Sir, I move an amendment that the Bill be referred to a select committee. With your permission, Sir, I would just like to say a few words. My friend, Sheikh Sahib, has said that the Bill is meant to stop prostitution altogether. I am afraid either he has not looked into the Bill carefully or he has forgotten its provisions. The Bill does not aim at stopping prostitution altogether. It is meant only to stop prostitution as a commercialized vice. I am sure the House is fully aware . . .

Shaikh Muhammad Habibullah : May I ask a question?

The Hon'ble the President : Later on. You need not interrupt the honourable lady.

Mrs. Kailash Srivastava : I am sure my honourable friends are aware that prostitution is the greatest insult to womanhood. It is now high time that we should take some measures or do something to improve

[Mrs. Kailash Srivastava.]

the lot of these poor creatures and I hope my honourable friend the mover will accept the motion that the Bill be referred to a select committee.

Shaikh Muhammad Habibullah: Does not prostitution itself cover commercialized prostitution?

The Hon'ble the President: Order, order.

Mr. Brijnandan Lal: I must congratulate my honourable friend Mr. Ahmad Shah, on his efforts to create heaven on earth. Whether he succeeds is a different matter, and whether, when heaven is created on earth, it will be worth living in is for the honourable members to decide. I am, Sir, reminded of a story. There was one Mr. Smith, who was a very generous person and who gave a lot of money in charity. When he died he was sent to heaven. He was brought before God Almighty. He was very pleased to see him and offered him a glass of nectar. He said "no, thank you, I am not thirsty." Then he was taken round heaven. He enquired whether there was any club or dancing hall there. He was told there was none. He then asked whether there was any newspaper. He was told "no." Then he went round to a group of people, who again offered him a glass of nectar. Ultimately he was brought back before God Almighty. He said "Have a glass of nectar." Mr. Smith answered "Bother your nectar, I do not want to live in heaven. Send me to hell."

As regards the clauses of this Bill, to my mind it appears much worse than what it was last year. I will illustrate what I have already said by quoting a few of the clauses. To a number of them my attention was drawn by my Leader the other day. The definition of "prostitution" is—

"Prostitution" means promiscuous sexual intercourse for hire, whether in money or kind." I will request the Hon'ble Home Member to tell us the meaning of the word "kind." I looked up the dictionary this morning in your library and found that "kind" means "kindred". I cannot understand the use of the expression "in kind" here.

Then, there is another point. If a man goes to a brothel, he shall be punished with imprisonment which may extend to one year and so on. Suppose for instance the Hon'ble Minister for Local Self-Government wants to entertain honourable members and sends his servant to bring dancing girls to entertain them with singing, the servant will be prosecuted.

Mr. P. C. Magha: Quite right.

Mr. Brijnandan Lal: Then, Sir, there are other provisions of a similar kind. Very wide powers have been given to the police. The police can enter a house without a warrant. You know, Sir, the police is not an ideal police in this country and if these wide powers are given to them, it is certain that they will misuse them. There are other provisions also, which are simply impracticable. I am afraid the Bill has been very badly drafted. With these words I oppose the motion.

The Hon'ble the President: Which motion does the honourable member oppose?

Mr. Brijnandan Lal: The motion for the consideration of the Bill.
Sir.

*Chaudhri Muhammad Ali:

چودھری محمد علی صاحب —

حضور والا — میری مسجد میں یہ نہیں آتا ہی کہ میں آنریبل احمد شاہ کی جرات کی داک زیادہ دوں یا اُن کے جوش اخلاق کی داک زیادہ دوں یا جوش مذہب کی داک زیادہ دوں یا کوئی داک نہ دوں اور چپ رہوں واقعی اس میں کوئی شک نہیں ہی (جیسا کہ آنریبل حبیب اللہ صاحب نے کہا تھا) کہ چہ ہی مہینہ کے بعد ہی اس طرح سے پھر اُسی گاؤنسل کے سامنے آنا جس نے اُسی بل کو خارج کر دیا تھا بڑی جرات کا کام ہے۔ مجھ کو گولڈ اسمتھ کے اسکول ماسٹر یا آگے — پروفیسر کی جان سے دور اللہ بخشے وہ بھی ایسے ہی تھے کہ —

• Though vanquished he could argue still —

حضور والا — فلسفہ قانون ہم کو سکھاتا ہی کہ Every man will be tried by his peers یعنی ہر آدمی کیسے ہم کو بتلائے گی کہ کسی مسئلہ کے حل کرنے کا سب سے بڑھ کر یہ فریضہ ہی کہ جس آدمی کا نقصان اور فائدہ اُس میں ہو وہی اُس کو پیش کرے وہی اُس پر غور کرے۔ لیکن یہ عجیب قصہ ہی کہ رندوں کا معاملہ ہی اور جن صاحب سے پوچھئے وہ کانوں پر ہاتھ رکھتے ہیں کہ صاحب ہم کو اُس کا کوئی حال نہیں معلوم سب سے زیادہ نا واقفاری یقیناً آنریبل احمد شاہ صاحب کو ہی فلسوفوں (idealist) اندیلاست ہیں لیکن معاملہ زیر بحث سے ناواقف ہیں اُن کی حالت بل پیش کرنے میں ایسی ہی جیسے مندرجہ میں ناچین دلوں کے بھونپا یہ ایک دیہاتی مثل ہی لڑکی کی شادی میں جہاں خوشی کا پہلو ہوتا ہی وہاں ایک رنج کا بھی پہلو ہوتا ہی کیوں کہ مفارقت اُس میں ہوتی ہی۔ پھر یہ کوئی blood relation ریلیشن نہیں لیکن دیکھئے کہ محفل آباد ہی روشن ہی محفل — جہاں اُن میں اور کمالات ہیں وہاں ایک کمال یہ بھی ہی کہ اُن کی (constituency) کا پتہ نہیں سپورٹرس کا پتہ نہیں (voters) ووٹرس کا پتہ نہیں کیونکہ ایک خوبصورت ببل کے مانند ہیں اُس داغ میں بلا ایلکشن کے موجد ہیں بلکہ ایک خوبصورت ببل کے مانند ہیں یہ بھی ہم کو پتہ نہیں کہ اُن کو mandate کہاں سے ملا ہی اُس کے اوپر ایک عورتوں کی مسل یاد آتی ہی کے نند کے نندوئی گئے لاگ کے روٹی — منہ کو کھول کے دیکھا تو کوئی نہ کوئی — ڈاکٹر جانسن کو کسی نے ہاتھ کی سوند سے تشبیہ دی تھی کیونکہ ہاتھ اپنی سوند سے بڑی سے بڑی ڈال کو تڑا ڈالتا ہی اور چھوٹی سے چھوٹی چیز کو بڑی اُٹھا لیتا ہی اُس طرح سے ڈاکٹر جانسن کا دماغ بڑی سے بڑی چیز تک پہنچتا تھا اور چھوٹی سے چھوٹی wit کی نزاکت کو دیکھ لیتا تھا اُسی طرح سے ہمارے زمانے کی ہاتھ کی سوند احمد شاہ صاحب ہیں آپ غور تو فرمائے رندوں کو روکنے کا اتنا بڑا اہم مسئلہ اور اُس میں ان نزاکتوں کا بھی خیال کہ اگر اُس کے پاس چار زیور یا دو چھوٹے نگ ہوں تو وہ بھی نہ جانے پاویں اور وہ بھی rescue home کے فائد میں جمع ہو جائیں *

[Chaudhri Muhammad Ali.]

یہ بات نہیں ہے کہ کوئی شخص prostitution کو پسند کرتا ہو اس کو تو کوئی بھی پسند نہیں کرے گا ہر شخص چاہتا ہے کہ اپنے ملک سے اپنے وطن سے اس کو دور کر دے *

ایک دوسرا قصہ یاد آگیا لارڈ مارلے نے ایک خط اپنے recollection میں لکھا تھا کہ اس بڑھاپے میں انہوں نے peerage کیوں قبول کی انہوں نے لکھا تھا کہ ریفارم کے سلسلہ میں میری ضرورت ہاؤس آف لارڈس میں ہے چونکہ خطاب کورس آف ڈیوٹی کے سلسلہ میں آتا ہے لہذا وہ بھی سہی جس سے عمر بھر بھاگتا رہا جب گذشتہ سال یہ بل پیش ہوا تھا تو میں نے اس کو oppose کیا تھا اس کے لیئے لوگوں نے میری بڑی تعریف کی اور دل بڑھایا لیکن اس وقت میں نے اپنے متعلق کچھ عرض نہیں کیا تھا اس مرتبہ میں توڑے سے egotism کی اجازت چاہتا ہوں آج دروازے پر رندیاں کھڑی تھیں اشتہار بانٹ رہی تھیں ہر شخص مجھ سے کہتا تھا کہ یہ تم نے بتوائے ہیں واقعی مجھ کو اس کا علم تھا میرے پاس اشتہار لکھنے سے آئے مجھے یہاں دینے گئے اور میں ان سے ہمدردی رکھتا ہوں آج سے نہیں ۱۶ برس سے مجھے ان کے ساتھ ہمدردی ہے یہ دوسروں کے ہنسنے کی بات نہیں ہے میں اکثر اس پر رو چکا ہوں میرے دوست نے ایک مرتبہ مجھ سے دریافت کیا تھا کہ محمد علی میراثی تمہارے اردھ میں کتنے ہونگے میں نے کہا کہ قریب دو ہزار کے ہونگے انہوں نے فرمایا کہ تم اپنی عمر کا باقی حصہ ان کے کام میں صرف کردو اس وقت میں نے کہا کہ اچھا کروں گا۔ ان میراثیوں کو جمع کر کے سمجھانے بچھانے میں مجھ کو رندیاں سے بھی واقفکاری زیادہ ہوگئی ایک مرتبہ کلکتہ میں ایک مکان سے نکال دیا گیا تھا شاید آپ لوگوں نے مجھ پر یہ شبہ کیا تھا کہ میں کوکین کے سلسلہ میں وہاں گیا تھا میں اس سے ہرگز نہیں شرماتا ہوں میں نے prostitutes کی لڑکیوں کو اپنی لڑکیوں کے ساتھ مدرسہ میں داخل کر دیا ہے جس طرح سے میرے بچے مجھ میں جان کہتے تھے اسی طرح سے وہ بھی مجھے میں جان کہتی تھی اس میں کی ایک لڑکی ایک Civilian (سولین) کو بیاہی ہے جس کا نام میں اس وقت بتلانا مناسب نہیں سمجھتا۔ ایک لڑکی ڈاکٹری پڑھ رہی ہے میرے کام کا نتیجہ یہ ہوا کہ جس مقام پر پہلے تقریباً ۲۲-۲۳ گھر تھے اب ۱۶-۱۷ برس کے عرصہ میں ۲-۳ گھر باقی ہیں۔ میں نے ہمیشہ اس میں دلچسپی لی ہے لیکن میں ایسا آدمی نہیں تھا کہ کہتا ہوں چوہ کی کال سے نکارہ نہیں مذہب چاسکتا ان کی خبر لینے والے تو وہ تھے جو چوہے انسان پر تشریف رکھتے ہیں علی نبینا و علیہ السلام جنہوں نے Magdalene کی دستگیری کی - جنہوں نے فرمایا تھا hath not sinned himself.

میں بھی چاہتا ہوں کہ میں ہنسوں لیکن اس معاملہ میں میرا روتے کو بھی چاہتا ہے prostitution کو اس طریقہ سے روکنا جس طرح سے کہ ملکہ احمد شاہ صاحب روکنا چاہتے ہیں میرے خیال میں کہیں زیادہ ضرر ہوگا کیونکہ evolution بہترین طریقہ ہے revolution کا طریقہ ہرگز اچھا نہیں

ہی میرے پاس census کے کچھ figures موجود ہیں جن کو میں نے اپنے ایک لایق دوست اور ہونہار نوجوان کی مدد سے تیار کیا ہے اُس کے بعد لیجسلاٹر میں نے اُن کو جو سب سے بڑا انسر اُس کا ہے اُس کے سامنے پیش کیا اور درخواست کی کہ اُس کو دیکھ لے اُنہوں نے بڑی مہربانی سے اُس کو دیکھ لیا اور figures کو ٹھیک کر دیا۔ میں آپ کے سامنے عرض کرتا ہوں۔ سنہ ۱۹۰۱ء میں actual workers میں 1,507 males اور 9,535 females - سنہ ۱۹۱۱ء کے figures نہیں بنا سکے لیکن ۱۹۲۱ء میں 9,010 males - میں اُس کا explanation اِس میں نہیں دیا گیا ہے میری سمجھ میں نہیں آتا کہ اتنا فرق کیسے ہوا خیر میں اِس figures کا ذمہ دار نہیں ہوں۔ تو سنہ ۱۹۰۱ء میں female workers 9,535 تھیں اور کل تعداد males اور females کی 10,042 تھیں اُس کے 7,874 dependants تھے۔ سنہ ۱۹۲۱ء میں 9,154 females تھیں لیکن سنہ ۱۹۳۱ء میں یہ تعداد ۳۷۹۳ ہو گئی یعنی ۹۵۳۵ سے ۳۰ برس کے اندر یہ تعداد ۳۷۹۳ رہ گئی جس میں درکنگ ڈپنڈنٹ اوگنوں کی تعداد یعنی ۳۲۲ شامل نہیں ہے یعنی تیس سال میں $\frac{1}{3}$ کا فرق ہو گیا۔ ایوالیوشن اُن کے خلاف ہے۔ سوشل فورس اُن کے خلاف ہیں economic اُن کے خلاف ہیں تعلیم اُن کے خلاف ہے وہ خود مر رہے ہیں اور پھر اُن کے اوپر یہ ظلم ہے کہ وہ ماریں شاہ مدار اِس بل کو پھر پیش کر دیا گیا تاکہ پولیس کے ہاتھ میں وہ لوگ پہنچ جائیں۔ آنریبل میمبرس اب ہنس چکے اب میں سمجھتا ہوں وہ میرے ساتھ روئیں۔ یہ figures یہاں موجود ہیں Mr. Turner کو بھی دکھا لیا گیا ہے اگر یہ ٹھیک ہیں *

Mr. E. Ahmad Shah — figures یو پی کے ہیں ؟

Chaudhri Muhammad Ali — چودھری محمد علی — برٹش یو پی

کے ہیں۔ you can have them میں اور زیادہ figures پیش کر کے میں آپ کا وقت ضایع نہیں کرنا چاہتا۔ سب کا مجموعہ مع beggars وغیرہ کے سنہ ۱۹۰۱ء میں عورتوں کی تعداد 125,860 تھی لیکن ۳۰ برس کے بعد یہی تعداد 501476 رہ گئی جس میں قریب چار ہزار کے درکنگ ڈپنڈنٹ شامل نہیں ہیں اتنی کمی ہو گئی اب پھر اس کے اوپر یہ بل پیش کر کے پولیس کو اختیارات دینا کتنا بھاری ظلم ہے۔ پولیس کہیں اس کے روکنے میں کامیاب نہیں ہوئی۔ کوئی قانون اِس کے روکنے میں کامیاب نہیں ہوا جرمنی میں، انگلینڈ میں، فرانس میں کہیں بھی پولیس کامیاب نہیں ہوئی ابھی ایک کتاب کروف ٹیلر کی نکلی ہے اُس میں لکھا ہے کہ تیس ہزار prostitutes لندن میں ہیں یہ وہ ہیں جو پولیس کو معلوم ہیں۔ وہ لکھتا ہے کہ ایک عورت میرے پاس آئی اور کہنے لگی کہ میرے پاس کھانے پینے کو نہیں ہے نہ اپنے بچوں کو پڑھا سکتی ہوں اِس لئے وہ prostitution پر آمادہ ہوئی ہے۔ اِس پر اُس نے کہا کہ انسوس تم زندگی کا پیشہ کرتی ہو کیا پولیس تم کو نہیں روکتی ہے ؟ اُس نے کہا کہ پولیس بھی کبھی کبھی آتی رہتی ہے۔ آنریبل مسٹر ہولنس گواہی دیتے کہ میں پولیس کے خلاف نہیں

[Chaudhri Muhammad Ali.]

ہوں میسرے تعلقات پولیس سے کچھ ایسے ہیں کہ میں اُس کے خلاف نہیں ہو سکتا لیکن واقعات سے کوئی انحراف نہیں کر سکتا ہے لیکن جناب چوٹی کتیا چھوڑوں کی رکوالی - بڑے بڑے لوگوں نے کہا ہے کہ جو رات کو گھر میں نہیں سو سکتا ہے وہ رنڈیوں کا patron نہیں ہو سکتا ہے - بجائے اُس کے کہ اُس کو اِس طرح سے rescue کرنے کی فکر کی جائے اُن کو سنبھالنے کی اور uplift کرنے کی فکر کرنی چاہیئے - ایک English author Ellis لکھتا ہے *

یہہ حالت وہاں کی ہے جہاں ہر عورت outcaste ہی نہ اُس کے گھر ہے، نہ اُس کے باپ ہے، نہ ماں اُس کو پہچانتی ہے، نہ کوئی دوست اُس کو پہچانتا ہے سوائے اُن دوستوں کے sexual connexion سے اُس کے درست کہلائے جاسکتے ہیں - ہمارے یہاں یہہ حالت نہیں ہے ہمارے یہاں کی رنڈی گھر میں رہتی ہے، اپنی ماں سے محبت کرتی ہے، اُس کے بھائی اُس کی خبر لیتے ہیں - وہ پوجا کرتی ہے - نماز پڑھتی ہے - جس دن اُس کے لڑکا ہوتا ہے وہ درگاہوں میں جاتی ہیں - لیکن جب English prostitutes کے لڑکا ہوتا ہے تو یا تو وہ گلیوں میں رکھ دیا جاتا ہے یا وہ اسپتال میں پڑی ہوتی ہے - یہہ کہاں کا انصاف ہے کہ ہمارے یہاں کی prostitutes کو ذلیل کر کے اُس درجہ پر پہنچا دیا جائے - ہمیں دوسروں کی برائیوں کو نہیں لینا چاہیئے prostitution کی کوئی تعریف نہیں کر سکتا لیکن prostitutes کا prostitutes سے مقابلہ ہونا چاہیئے - fornication کو کوئی روک نہیں سکتا - دنیا میں اگلے وقتوں سے پروفیسر احمد شاہ کے وقت تک کوئی اِس میں کامیاب نہیں ہوا - غالباً وہ یہی جانتے ہیں کہ اُس میں کامیابی نہ ہوگی پھر بیکار کوشش کرنے سے کیا فائدہ ہے *

میں نے آپکی بہت سمع خراشی کی میں اب منقریب ختم کرنا ہوں - بل کی مختلف دفعات کا criticism سے میرا تعلق نہیں ہے وہ دوسرے حضرات کریں گے - انشاء اللہ تعالیٰ لیکن ایک بات میں اہمیت کہونگا وہ یہہ ہے کہ جب ۱۸ برس سے کم کی عورتوں کو اِس بل کے پاس ہوجانے کے بعد سن ملیگا تو وہ کیا کریں گی اُن کو معلوم ہوگا کہ ہم انا تھا لیتے یا عفت خانہ میں بند ہونگے - بچپن سے تعلیم ایسی ہوتی ہے کہ وہ ہرگز عفت خانہ میں رہنا پسند نہیں کریں گی کیونکہ اُن کے لیتے وہ جہنم سے بدتر ہوگا - تو پھر وہ کیا کریں گی؟ وہ بہتسمہ لے لے گی - زینور کڑے کا حساب پہلے سے کر لیا گیا ہے اسی لیتے تو میں نے اُس کو ہاتھی کی سونڈ کہا ہے کہ وہ بڑی سے بڑی چیز اوتھا لیتا ہے اور چھوٹی سے چھوٹی چیز بھی نہیں چھوڑتا - میں نے آپ لوگوں کا بہت وقت ضائع کیا ہے جس کے لیتے میں معافی مانگتا ہوں - مجھے ایک بات اور عرض کرنا ہے - اس مجمع میں صرف ایک انریبل میمبرس جو صنف تازک کو represent کرتی ہیں ہماری ماں - بہن - بیٹیوں کو represent کرتی ہیں اور اس سے بہتر representative ذہن میں نہیں آتا اُن میں اگر کوئی کمی ہے تو یہہ کہ اُن کو قصہ رند کا گولہ میڈل نہیں ملا ہے - اس میڈل سے ان کی عزت بڑھیں گی بلکہ میڈل کی عزت بڑھیں گی

لیکن وہ یہی اس سے دیکھ رہے ہیں ناراض ہیں جیسے ہماری ماں-بہن-بیٹیاں یہہ مشن دعوے سے کہتا ہوں لہذا مہربی گزارش ہی کہ بغیر جانے ہوئے نہ وہ اس بل کو سپورٹ کریں اور نہ اس کو Select Committee میں بھیجنے کی کوشش کریں۔ وہ اس کو سمجھتے ہیں کہ رنڈیوں کو ایسی پوزیشن میں نہ ڈالا جائے کہ یا تو وہ پولیس کو رشوت دے دے کر اپنا کام چلاویں یا اپنا مذہب تبدیل کریں۔ میں ایوز oppose کرتا ہوں اس بل کو و نیز اس کے Select Committee میں بھیجے جانے کی موشن کہ۔

*Khan Bahadur Maulvi Fasih-ul-din : I have been listening with very great interest to the speeches that have been delivered on the floor of this House this morning. I know that a similar Bill was put up before this honourable House about eight months ago by the same gentleman who is now the mover of this Bill and that the Bill was lost by a narrow majority. It is now being contended on behalf of the opposers of the Bill that it is an insult to the Council that he has had the temerity to bring a similar Bill again. I submit, Sir, that if this Bill is an insult to the Council then the rules on the subject are a greater insult and it is up to those members who think so to have them changed at the earliest opportunity. It has been said that the honourable mover of the Bill is a nominated member of the Council, and as such he is not a representative of the people. Perhaps a nominated member is not afraid of prostitutes so much as elected members. I know that some sort of opposition was raised by the association of prostitutes of Lucknow and there is an affinity between the proposal of the opposition to this Bill. It has been said that the introduction of this Bill in order to check prostitution will increase adultery by private girls and will not succeed in checking immorality. In that connexion I think I should join issue with those speakers to begin with. But even supposing that this will be the case I put it to the House whether prostitution in a public manner is better than prostitution behind walls. Adultery in public when sanctioned by law is certainly much worse than adultery behind walls. It is a matter which ought to be seriously considered. Those who do prostitution in a public manner commit a sin against society, the nation and against humanity and those who commit sins in a private manner commit sins against themselves and against the individual. This is a very great difference between the two kinds of prostitution or adultery whatever we may call it. That is a point which has always been neglected by those who oppose a Bill of this kind. It has been said that the police will get power to commit excesses over these girls. I think that a denunciation of this kind against the police is very uncharitable. There are good officers and bad officers amongst the police. Some of them use their powers to the advantage of the public. Others may use it to the great disadvantage of the public and to make a sweeping remark of that kind that any law which is intended to check immorality or check offences will enable the police to make money or commit excesses I think is a very bad argument to advance. Sir, we know that the Indian Penal Code and other Criminal laws have been designed to check offences and they have not succeeded in checking those offences,

*Speech not revised by the honourable member.

[Khan Bahadur Maulvi Fasih-ud-din.]

Dacoity, thefts, murders are going on every day in spite of the penal code, but to argue that because they have not succeeded in checking the offences therefore there should not be made any effort to check the course of immorality as it is not likely to check immorality, is not a good argument. This is an argument which has to be repeated for the sake of its refutation. It has also been argued that this Bill has been engineered by a missionary at the command of the missionary people. Well, even if that is so I see no harm. It has also been insinuated that these girls will become Christians. In the first place I find that the number of these girls is only 3,000 in this province and if they are driven away from the path of immorality it does not matter whether they become Christians or Muslims or Hindus. But the fact of the matter is that this Bill says that when these girls are relieved of the profession which they follow, then they should be handed over to the community to which they happen to belong and I think that is enough safeguard against these girls embracing any other religion. So this argument does not appeal to me in the least. My friend Sheikh Habib Ullah has said that the Muhammadans and Hindus have got hundreds of sects. This is a news to me. Being a Muslim he should have known that there is but one religion for us all from one end of the earth to the other and it is a pity that being a Muslim he makes an assertion of that kind. I think he owes an apology to all the Muslims of the world when he makes that statement. If he were to say that there are hundreds of sects amongst the Hindus I would not have minded it, but I believe and I hope my belief is correct that he does not understand English sufficiently to distinguish between the words sect and religion. Sir, there are many other arguments which have been advanced in opposition to the Bill which in my opinion are mere camouflages in order to support a point which does not appeal to those who have got India's welfare at heart. I do think that prostitution is a great slur on the good name of India and that the sooner it is removed by means of legislation the better it will be for the good name of this country. We cannot hoodwink ourselves of the fact that there are dens and there are brothels for seducing innocent girls in order to adopt the profession of prostitution. We cannot ignore the fact that there are prostitutes who occupy houses in the bazar who sit in the verandah and seduce young men to come to them and who subsequently squeeze out of them all the money which they have. It is a well-known fact that many good families have been totally ruined through these prostitutes and that many well-to-do land owners and others have become paupers on account of these institutions of prostitutes. Sir, it is a pity that a Bill of this kind should be so vehemently opposed by men for whom I have the greatest respect. I must admit here that I have very great respect for the character, for the integrity and for the morality of those of my friends who are opposing this Bill. They are gentlemen of humanitarian spirit and they are social reformers. But I am afraid that there is one defect in them, and it is this, that they have got a very low idea about women; they think that women are bound to become immoral and that if the institution of prostitution is prohibited the number of girls who will be immoral will be largely increased. This, I think, is putting rather a premium on the morality

of women. I know many of my friends who have got such a low idea about women. There was a friend of mine in Lucknow who was a Deputy Commissioner in the Central Provinces and he was telling me that when he used to record the evidence of a witness he never used to write the name of his father because he was not certain as to who was the father of a particular person and the man would be surer about his mother than about his father. This was due to the fact that he unfortunately had a very low idea about the morality of women. There is a Persian couplet which says : *آهنیک بودے سزا انجام زن • زہان وامزن نام بودے نہ زن*

Zan is a word in Persian which means woman and which also means beating, so, if the end of woman has been good her name would be *mazan* and not *zan*.

Chandhri Mahomed Ali : Very chivalrous !

Khan Bahadur Maulvi Fasih-ud-din : There is an English couplet which says :—

"The spaniel, the woman and the walnut tree.

The more you beat them the better they be.

There are many amongst us who honestly believe that women can never remain chaste and that there should be an outlet for their immorality in the shape of the institution of prostitution. A friend of mine who was very much in favour of this institution said to me the other day that this institution of prostitution was like an imperfect pattidari villages ; that there are pattis in a village which are owned separately by co-sharers, and Shamlat pattis and that this institution of prostitution is like a Shamlat patti. A thing like that ought to be looked into seriously, and I think it is up to us to have a Bill like this passed. I do admit that there are defects in the language of the Bill, and serious defects too. The Bill needs complete amendment, and the amendments ought to be made by the Select Committee. I therefore support the motion of Mrs. Srivastava for the reference of the Bill to a Select Committee in order to make it acceptable to all of us.

Mr. C. Y. Chintamani : Sir, I was very much struck by the attitude and action of the honourable mover when he rose to make the motion that the Bill be taken into consideration. He was aware that the Bill dealt with a subject of great public importance, a subject in which this Council and the public generally took a legitimate and rightful interest. He was aware as the author of the predecessor of this Bill last year that various and serious objections were urged against it and that in the end he lost his measure. This should have put him under a sense of the necessity of defending and justifying the clauses of the Bill which he is now in charge of. What did he do? He took it as a matter of course that the Bill was non-contentious, that the Bill was simple, that the Bill was perfect, and that it must be accepted without one word of explanation. He did not take any trouble to point out what action he had taken to meet the objections urged against his Bill of last year, in what respects he had amended that Bill in order to meet those objections, and what efforts he had made to make the present measure less contentious and more acceptable than that which met with an unfortunate fate last year. I suggest, without meaning any personal

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reflection that the honourable mover was, I doubt not unintentionally, but still really guilty of gross discourtesy to this honourable House when he rose as the member in charge of an important measure to move that it be taken into consideration and did not choose to offer one word of explanation of the principal provisions of this Bill. I have a great respect for the class to which the honourable mover belongs, for those who like him are the instructors of the youth of the country, but it has always struck me that they labour under one disadvantage and that is to mistake even grown-up people for their boys in the class and to treat them as if they were just like that. To a schoolmaster his word is law. If he says that white is black, and if any of the boys rose to object, that boy was guilty of impertinence and he would be taught a lesson. But I suggest that as a member of this Legislative Council it would pay the honourable member more to treat us on a footing of intellectual equality with him and not to consider that we were a pack of schoolboys who could be dismissed unceremoniously without a word of explanation of what he was going to do.

Another thing that struck me was that the honourable member jumped with one bound from the stage of introduction to the stage of the motion for consideration. It did not strike him that he might move that the Bill be circulated for the purpose of eliciting opinion. It did not strike him that he might move for the reference of the Bill to a Select Committee. He straightaway moved that it be taken into consideration and passed. The Council is aware that in the processes of our legislation only in two contingencies can a step like this be tolerated, one in the case of measures introduced by Government to meet sudden emergencies which could not be coped with except by summary methods of legislation, and even there the Government would have to satisfy the House that there was such an emergency that all the formalities could not be gone through; it was only in exceptional circumstances that the Council could countenance such an evil procedure. The other set of circumstances in which such a rapid procedure is tolerated is when a measure is so simple, so non-contentious that it would be a waste of public time and money to set up the procedure of a select committee for its consideration. I do not think the honourable mover will flatter himself with the belief that either this Bill is one to meet a sudden emergency or that it is simple and non-contentious. If he thought the latter, then he must be a man with a very short memory, because it was only twelve months ago that his previous Bill had to pass through stormy seas and had a ship-wreck.

I may mention that a third circumstance which struck me as remarkable was that I had notice some little time ago from an authoritative quarter that legislation on this subject would be brought forward again and an appeal was made to me that this time I should extend my support to it, both here and outside, instead of adopting an attitude of neutrality or quasi-opposition as I deemed it my duty to do last year. Along with this appeal there was an assurance conveyed to me that this Bill was in a much improved form and that the objections to which its predecessor was exposed could not be put forward against

the present measure. I had looked forward with great hope to find the text of the Bill not only improved with an eye to remedy the evil but also that it would meet it by methods which would command public approval and which would not produce greater evils than the disease which it was sought to remedy. What was my astonishment when I found that the remedy aggravated the disease. When I went through the Bill I rubbed my eyes in wonder whether the mover ever remembered the contents of his previous Bill or the objections which were urged against it were ever considered or that it was his duty to meet those objections by putting forward provisions which would be less contentious than those of last year. I have no hesitation whatsoever in endorsing the criticisms uttered some minutes ago by another member that this Bill is open to far graver objections than that which was thrown out last year. The Bill is so loosely drawn in several important parts of it and the procedure and the remedies sought to be applied are so utterly unpractical and will lead to such great difficulties that it will be a heavy responsibility which honourable members will incur if they will encourage such ill-digested and amateur legislation as is sought to be rushed through.

Sir, I must next turn my attention to honourable members who face me. Last year the then Home Member, who fortunately for himself is beyond our reach, was put up to make the speech for the Government and said that their attitude would be one of neutrality. There is a new Home Member today and I have been waiting with great curiosity and interest to know what attitude the present Government and the present Home Member would take. I was surprised to find not the Home Member but the Finance Member who rose to speak for the Government. It is a matter of great inconvenience to non-official members of this House that the Government have no fixed purpose or settled plan in the distribution of business among the various Members who compose that body. Matters which many a time were thought to be within the comprehension of the Home Member were suddenly taken in hand by the Finance Member and as suddenly those matters were again spoken to by the Home Member on behalf of the Government. In respect of the same subject one part was taken by one and another taken charge of by the other without any regard to the convenience of the legislature before which they had to defend their attitude. It is not that I have any complaint against the Finance Member being in charge of the measure. He knows, as well as the Council, what our relations are. I am sure that there is no member of this House who will complain that the Hon'ble Finance Member is put in charge of this Bill. But I would suggest, if I might, that the Government would be showing a greater sense of their obligation to the Legislative Council and a greater sense of the convenience of the members of this Council, if they adhered to one set plan of division of business between themselves instead of changing the position from time to time for no reason and without any explanation, as they are in the habit of doing.

Before I state what I think of the attitude of Government on this measure, I will take advantage of the reference, the incidental reference, to the new Home Member, and of the reference made to him by the

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honourable Khan Bahadur from Cawnpore, to say not only on my own behalf, and not only on behalf of those honourable members with whom it is my honour to act on the floor of this House, but I venture to say of the entire House, that it is a source of great gratification to one and all of us to see the Hon'ble Home Member in his place. Ever since the present Government of India Act led to the creation of the reformed Legislative Council, Kunwar Jagdish Prasad and the U. P. Legislative Council have been inseparable entities, and when he went away at the end of 1931 for 13 months, I for one almost felt that half my zest for Council work was gone. The liveliest passages in the proceedings of the Council so far as I was concerned were only when the honourable member stood up to face me and pounced upon me. I had an occasion once, when he was appointed as Chief Secretary, to describe him in the language applied by Mr. Asquith to Mr. Balfour, viz., that he was invaluable as an ally and formidable as an opponent. I had a very brief opportunity in ancient times of enjoying the advantage of having Kunwar Jagdish Prasad as an invaluable ally, but for a much longer period I had the difficulty of being confronted by him as a formidable opponent. But, ally or opponent he is always a live wire, and those who peruse the proceedings of the Council will not run away with the impression that it was merely outside the hall that he made himself useful to Government. His remarkable debating talent, his great eloquence, his grasp of subjects and his great industry, all these contributed to his share in the proceedings of this House, the importance and value of which neither supporters nor opponents ever made the mistake of minimizing. Since Kunwar Jagdish Prasad left us at the end of 1931 he must have had some new experience, some occasion to review, in a spirit of detachment, his activities as well as the activities of those whom he sought to confound, to think of what should be the correct attitude of an individual in the consideration of public questions. I believe I am correct in stating that he did not expect to go back to that side of the House. I believe also that several of us on this side were looking forward to an early opportunity of welcoming him as the leader of the opposition, with the singular advantage which no other man in the United Provinces enjoys of having all the secrets of the Government in his pocket and possessing all the advantages which a member of the opposition should have such as the power of expression and of debate, knowledge, tactics, and so on. And then I was looking forward to the time when other honourable members of Government, who would still be in the Government, would be fought by one who had been their very own with weapons taken out of their own armoury. These words of mine cannot be taken to mean that I am at all sorry for the Hon'ble Member's presence there. On the other hand I am very pleased indeed. If for one moment only, I may speak as a Hindu, I am aware the Hindus are deeply gratified and accord to him a double welcome as the first Hindu who in the space of 12 years was thought fit to occupy that position of eminence. Kunwar Jagdish Prasad has the advantage of knowing all about the Government and knowing more about non-official life than other members of the Government. He

has had the advantage of a respite of 18 months, during which to think of what the non-official attitude towards Government measures should be and I confidently look forward during the remainder of the life of this Council to an attitude, to an expression of opinion, and to action from the present Home Member, which will go a long way to meet the wishes of non-official members, to satisfy public opinion and public requirements, and in the name of all here, I accord to him, to Kunwar Jagdish Prasad, the most cordial of welcomes, and I would express the most earnest wish for his brilliant success in his present office as he had in his previous offices.

Now a word about the Hon'ble Finance Member. The Hon'ble Finance Member with a humour which never deserts him, was himself uncertain whether the Government's attitude of neutrality might more correctly be described as one of pure neutrality or of impure neutrality. I would suggest to him that there was nothing of purity of neutrality. I would suggest to him to drop both pure and impure, and I would suggest to him to consider whether the attitude of Government in the last and present year has not been an attitude of lack of courage, but an attitude of fear to share the responsibility for the present legislation. The Hon'ble Finance Member has said that as in the past, the attitude of Government towards measures of social reform has been one of neutrality. If the Hon'ble Finance Member will stretch his memory back and to measures of social legislation not only in this province but in the country as a whole : he will find that on many occasions the Government's attitude was not of neutrality, pure or impure. On many occasions it was an attitude of concealed or open hostility towards social reform; and on other occasions it was an attitude of support, and on some occasions it was an attitude of neutrality. If the Government here had shown more courage and had stated definitely what their attitude towards this Bill was, they would not have laid themselves open to the accusation that they were taking a partisan attitude in social legislation. Here is a measure in which one department figures very largely. Ninety per cent. of this Bill is all police. The Government will have to administer this measure, if it became law, through the police. I do not think it was right on the part of Government to escape in a spirit of cowardice from the consequences of an open attitude towards this measure. It is the Government at every turn, through the Police Department, that will be called upon to act, and the consequences emanating from the administration of the measure will descend heavily on the Government. In the circumstances, I think the attitude of the Government is by no means proper and I hope the Government will assemble in their privacy to reconsider it and will come forward with a manlier attitude of an open expression of what they think of this measure, of its principles and of the provisions by which it is sought to bring it into operation.

I would say a word about the amendment moved by our honourable lady colleague. I congratulate her respectfully upon showing a more correct sense of the importance of the measure and the complexity of the subject with which it deals by moving that it should be sent to a select committee. Ordinarily, as our honourable lady colleague knows, I am extremely unwilling to be a party to the smothering of any measure

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in the preliminary stage without allowing it to be taken into consideration. I know very well that in somewhat similar language I took the other side to task on a previous occasion for their obstinacy in not allowing a certain measure to go before a select committee. With a full recollection of the attitude I then took, with a full sense of the propriety or justice of allowing matters to go before a select committee instead of their being smothered at an earlier stage, I still have to say with much regret today that I am not in favour of the amendment moved by our honourable lady colleague. One supporter of the measure the honourable Khan Bahadur, a nominated member, as soon as he became a nominated member, saw all the fears of election as if in a flash. He has admitted that the Bill is badly drafted: he has admitted that the Bill needs amendment: he has gone farther and said—I am very grateful to him for his adjective—that the Bill requires complete amendment. I would ask all honourable members who know English to tell me what would be the effect. . . .

Khan Bahadur Maulvi Fasih-ud-din: On a point of personal explanation. I said complete overhauling. I never said complete amendment.

Mr. C. Y. Chintamani: The honourable member has said "complete amendment". If he prefers to say "complete overhauling" I have no objection. If his idea is complete overhauling, I criticize the idea and not the expression. What will be the effect of that? Will any member who understands English say? If you take a measure in hand, turn it upside down and inside out, completely amend it or completely overhaul it, what is the effect? It would be tantamount to the introduction of a new Bill. If the honourable Khan Bahadur is of opinion, as he has stated he is, that this Bill is so badly drafted that it requires not mere ordinary amendment but complete overhauling, then it would have been more correct on his part to have said, after unburdening himself of all his lack of sympathy for the critics on this side, that the principle of the measure was wholesome, its provisions fell short of the minimum requirements of what such a measure should be, and therefore this measure should be withdrawn and steps should be taken for the introduction of another measure on the same subject which would not require complete overhauling or complete amendment. But I am surprised to find an honourable member who thinks that a Bill which needs complete overhauling is a Bill which should be sent to a select committee. The function of the select committee is not to introduce new Bills: only those Bill go before select committees the underlying principle of which is already accepted by the House, which has been drawn with reasonable care, only the detailed provisions requiring technical or expert examination, so that the select committee might put them in a more acceptable form. None of these requirements is satisfied by this measure as has been admitted, not by Sheikh Muhammad Habibullah but by the Khan Bahadur himself. In the circumstances I venture to say that I am on strong ground in opposing the amendment moved by our honourable lady colleague.

The honourable Khan Bahadur in criticizing his two colleagues who opposed the measure attributed to them an idea which I am certain is not

theirs and an idea which I venture to say ought not to have been attributed to them. He said 'the opposition to the measure have a low idea of women'. I again quote his exact words. I put it to every man with commonsense—if members criticize a measure because of its unacceptable contents, if members are not enthusiastic about a measure which its own supporters say requires complete overhauling, are they to be subjected to unworthy accusations?

Khan Bahadur Maulvi Fasih-ud-din: On a point of personal explanation. I said that the members opposing the Bill had stated that if prostitution was abolished then the number of private girls will be increased and for that reason those opponents of the Bill had a poor idea of the chastity of women.

Mr. C. Y. Chintamani: The honourable member's explanation speaks of his intention or of what he wanted to say. Actually, however, the public can only go by what he has said. We are not all gifted with the capacity of divining what secrets are imprisoned in the minds of people. He has used the phrase "The opposition to the measure have a low idea of women." If he can get up and say that he has not used this expression, I will gladly give way and withdraw every word of what I have said in my criticism of his speech. He has uttered this phrase and I hope the honourable member as becoming one of his experience and position will have the grace to withdraw that accusation against my honourable friends on this side of the House.

Sir, what is it that runs through the Bill? The Police. It is only those who share the official opinion about the perfection of the Indian Police that can be parties to the according to the police of these vast fresh opportunities of practising oppression. It has always appeared to me when I study the Government attitude towards the police and towards criticisms of the police, that there is one fixed conviction in their mind. It is a matter of common knowledge that God Almighty created all beings with the original taint of imperfection. Anything that is human can but be imperfect, but the Government of India think that God Almighty in His infinite mercy was pleased to make one exception and it was in favour of the police. Anybody may be imperfect, but the Indian police are not. Say that the police have been guilty of this or that, there comes forward the despot of the India Office to stigmatize the criticism as vile, malicious, false; Ask for an inquiry. No. Ask that the authors of these lies and malicious falsehoods should be prosecuted. No; they are lies. Fortunately for him no Emergency Powers Act, no Special Powers Act, no Deportation Regulation can touch Sir Samuel Hoare. He can utter any quantity of objectionable accusations against the most respected of our countrymen. In their opinion the police are irreproachable. That is the attitude of the Government towards the police.

I would ask the Khan Bahadur as a former elected member whether at that time he was open very much to the temptations of prostitutes, whether as an elected member he shared the accusation that he has made against the members on this side of the House today. I would ask the Khan Bahadur, the author of this second slander against the

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critics of this measure, I would ask him as a retired District Magistrate, to say whether his experience, whether his opinion of the police is such that with safety to the public the police can be trusted with still more autocratic and unchecked powers than they are already endowed with. Then I would ask him to go through this measure and tell me whether it does or does not propose to endow the police with greater power; I would ask him to read clause after clause and tell me what it is the police will not be able to do under this Bill. Suppose the honourable Khan Bahadur after dusk goes out for a walk unfortunately in a quarter of the town where there are some residences of prostitutes, will he guarantee that he would not be open to the charge of prostitution, will he guarantee that any evidence that he may produce will be believed by the executive magistrates against the word of an ordinary police constable? You produce a measure free from these very strong objections and I will be glad to consider it.

Khan Bahadur Maulvi Fasih-ud-din: That can be corrected by the select committee.

Mr. C. Y. Chintamani: The honourable Khan Bahadur would have carried greater conviction to me if he had indicated in his speech the means by which, the lines upon which this defect would have been rectified by the select committee. If he were to say, taking any section or clause of the Bill where the police comes in, in what manner he would amend it so as to make it free from objection, I would be open to conviction. He has taken care not to utter one helpful word on that point. It is only in order to meet my criticism that he says that the Bill be referred to a select committee where it can be rectified.

Khan Bahadur Maulvi Fasih-ud-din: I did not want to anticipate.

The Hon'ble the President: If the honourable member wishes to take a longer time, he can do so after lunch.

Mr. C. Y. Chintamani: I shall conclude my speech within 5 or 10 minutes.

The Hon'ble the President: Then the honourable member can speak after lunch.

The Council was adjourned for lunch at 1.30 p.m.

After recess the House reassembled at 2.30 p.m. with the Hon'ble the President in the Chair

Mr. C. Y. Chintamani: Sir, at the time we adjourned I was speaking on the police in relation to the Bill. I have a little more to say on that aspect of the matter. But before doing so I shall, with your permission, refer to a point which I thought I had disposed of, but in respect of which there is still one thing to be said. The Hon'ble Finance Member has stated that the Government's attitude is one of neutrality. It was not clear when he spoke whether that attitude of neutrality or of self-abnegation extended to the amendment also. I hope the Hon'ble Finance Member will not think that his promise of neutrality will have been completely fulfilled if he and those who vote

with him; place their votes at the disposal of the mover of the amendment. I hope the Hon'ble Finance Member in the exercise of his right of second speech will be able to relieve us of doubt on this point.

Now, Sir, I come to the police. When this Bill is studied it will be found that it does not limit itself everywhere, but what it purports to do is to stop prostitution altogether. Take for example clause 9. In the definitions only the word "brothel" is defined. In the provisions of the Bill also there are constant references to brothels. But in clause 9 you will find in the last three lines this. "Thereupon such police officer". Perhaps it would be more convenient if I read the whole of sub-clause (1) of clause 9.

"Where a magistrate, upon credible information (I will do the honourable mover the justice of thinking that the word 'credible' is a misprint for 'credible'), and after such inquiry, as he may think necessary, has reason to believe on a complaint made to him that a girl apparently under the age of 18 years is living, or is carrying on, or is being made to carry on the business of prostitution in a brothel (the reference is only to brothel), he may issue an order to a police officer not below the rank of an inspector specially authorized in writing in this behalf by the superintendent of police, to enter into such brothel, and to remove therefrom such girl: and thereupon such police officer shall have the power to enter into such brothel, disorderly house or place of assignation, and to remove such girl forthwith from such brothel."

Here the power given to the police is not limited to brothels, it is extended to other places of which there is no definition.

This way of enlarging the scope of a measure nearly always leads to an ambiguous situation. This kind of defect is found throughout the Bill. I will draw attention also to clauses 6 and 10. Clause 6, sub-clause (3), begins with the words—

"Notwithstanding any law to the contrary such a woman or girl shall not be liable to be proceeded against civilly or criminally for taking away or being found in possession of any jewel, wearing apparel, money, or other property alleged have been given to or to have been pledged by such woman or girl by or to the person by whom she has been detained:

Provided that it shall be presumed that the jewellery or wearing apparel referred to in sub-sections 2(b) and (3) has been given to the woman or girl unless the contrary is proved."

As would have been seen, the clause begins with the words "Notwithstanding any law to the contrary" and in clause 12 also the same words occur. "Notwithstanding anything contained in any other law for the time being in force, only a police officer, etc."

I hope even the honourable mover may think that he has opened his mouth too wide when he seeks all this authority to supersede any law by whichever authority made for the sake of this measure. Sir, what the position of the police is at present is a matter of public notoriety. That the police at present are completely beyond the control or even the influence of even the most moderate section of public opinion is known to all. Will it be said that because there is going to be provincial autonomy, the police will be under the control of the legislature? Those who think so have read the White Paper to little purpose. The White Paper clearly shows that the bogus autonomy that is dangled before our eyes will leave the police as much beyond the control of the legislature as it is at the present day and whoever may be the Minister in charge of Law and Justice and Police under the new constitution, will have to

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walk warily and approach his subordinates in the police with bated breath and whispering humbleness, lest the Chief Secretary—the Hon'ble Home Member will understand what the super-position of the Chief Secretary is—should go to the Governor and get anything done, and the Minister in charge if he deals firmly with the police will only have to thank himself that he misread the constitution under which he accepted the office. Let it not even be thought that the position will be no worse than it threatens to be. What we fear will come out true if the proposals of the White Paper remain as they are. Those who have read the memorandum of the Indian Police Service before the Joint Select Committee will understand what the position may be in the future and those who have read the speech which was made by the Secretary of State at the Indian Police Service dinner, the comments of British papers, and the attitude of the majority of the members of the Joint Select Committee expressed in Parliament on the White Paper cannot be left in any doubt about it. All these factors go combined to show that the position of the police in future will not only be what it is at present but it will be much stronger and the position of the Minister under whom they will be supposed to be serving nominally will be one of virtual impotence. I say without fear and I will risk criticism from whatever quarter it may come that I am prepared to tolerate the present position of the police much more than to place within the grasp of the police such as we have at present, increased opportunities for oppressing the people. I say without hesitation that every vote cast in favour of this Bill will be a vote given in favour of placing more power in the hands of the intolerant police which we have at present.

The honourable lady member has reassured us in her speech that this Bill is not one to stop prostitution altogether but to stop only commercial vice. I heard this distinction made with some measure of justice in favour of last year's Bill: but assuming this Bill stands, I would ask the honourable lady member to be good enough to read the Bill, and I am not without hope that she will revise her opinion and will come to the conclusion that the scope of the Bill is far wider than she thought.

Reference has been made to the Contagious Diseases Acts by my honourable friend on this side and also in a criticism of this measure outside. There is no analogy between the two. The reference made by the honourable member is more relevant than the citation of the precedent of the Contagious Diseases Acts as an argument in favour of the present legislation. They were Acts passed in order that Indian women might be made available to British soldiers in this country by force—Indian women who were taken into the cantonments and who were engaged became slaves all but in name. Any honourable member who is interested in the subject may read a highly instructive pamphlet by a British author, entitled, "The Queen's Daughters in India." For the convenience of unmarried British soldiers in India the British Government passed those Acts to enslave Indian women and place them unreservedly at the disposal of the British soldiers notwithstanding the

greatest risk to themselves. With an obstinacy that is the characteristic of irresponsible government, the Government of India persisted in standing by those measures, although the annual reports on the health of the Army showed that those Acts did not save the British soldier, and in certain years admissions in the hospitals for contagious diseases even reached 90 per cent. in spite of these Acts on the Statute Book. In England an agitation was set on foot against this slavery by Mr. James Stanhope and Mrs. Josephine Butler. They made very great opposition and carried on that agitation for years in the face of every possible discouragement with a persistence of which the British are supreme masters, and they succeeded as a result of prolonged agitation in convincing the Secretary of State that those Acts could not be maintained. In spite of that the Government of India said the Acts must be kept up. A Conservative Secretary of State, Viscount Cross, cabled to the Government of India in 1888 to the effect that the Acts were indefensible and the Government must give way. I was surprised to find a supporter of the measure outside the House citing the precedent of the Contagious Diseases Acts as an argument in favour of the Bill. I think no greater injury could be done by the honourable mover than this appeal for support on the basis of these hateful and odious Acts. Last year, Sir, I was subjected to a great deal of very intriguing criticism because I did not vote either for or against the Bill. I was told that I was partial to illicit traffic both in wine and in women. The honourable member opposite, the Hon'ble Minister for Education does not need to be told from what quarter that criticism proceeded. And it was stated that my neutrality and the neutrality of my honourable colleague the deputy leader was not less indecent than the open opposition of my honourable colleague the secretary of our party. Sir, a journalist myself—one whose occupation is every day to criticize—I would be the last man on the face of the earth to complain that I have been criticized—to criticize and to be criticized by is the business of the day. I refer to the criticism only for the reason that after the imputation of partiality for illicit traffic in wine and women, I stand here that my withers are unwrung, that I am unrepentant and that towards the present Bill my attitude is not one of support, not even of neutrality, but of opposition. As this Bill is in every respect more objectionable than last year's Bill, the honourable mover having shown that he has not in the least profited by the criticisms directed at that measure last year, and as this Bill will be not a measure of moral or social reform but an engine of oppression in the hands of an unscrupulous police, I am opposed even to this Bill going before a select committee. No Bill is worth sending to a select committee which requires in the opinion of its warmest supporter to be completely revised and overhauled. Without the slightest fear of being supposed to be a friend or supporter of commercialized vice, or prostitution or any other moral evils, I stand here to urge the Council to show their view of the impracticable nature of the Bill, of the objectionable nature of its provisions and their opposition to give the police more power to oppress the people—I invite the Council with the confidence that I am right, to throw out the motion of the honourable mover and also to reject the

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 amendment. I think that will be the only correct attitude for the Council to adopt.

Rai Bahadur Babu Vikramajit Singh: Before addressing a few observations on the motion before the House, I take the opportunity of extending my personal heartiest welcome to the Hon'ble Kunwar Jagdish Prasad, and also on behalf of the party to which I belong on his becoming the Home Member. I associate myself with all that has been said by Khan Bahadur Hafiz Hidayat Husain and the honourable Leader of the Opposition and had I a richer vocabulary I would have added a few more compliments. But we all know he is a great administrator, is a great orator and an eloquent speaker in the Council and a highly intellectual person and that his coming as Home Member is a great acquisition to the official benches and we all welcome him.

Now, Sir, with regard to the motion itself, the speech of the last speaker, the honourable Leader of the Opposition has come to me as a very great surprise. The neutrality of the Government has not come to me so much as a surprise as the speech of the honourable Leader of the Opposition. The Government last time, rightly or wrongly, declared they were neutral and they consistently retained that position today when the Hon'ble Mr. Blunt came forward and said that their attitude will be one of neutrality, although he did not commend it. But what is a matter of great surprise to me is the speech of my honourable friend Mr. Chintamani. Last year in the month of June when this Bill was thrown out I had not the opportunity of being present on account of some unavoidable reasons, and I was pained to find that a Bill of this nature was thrown out by the Council and I found that Mr. Chintamani had remained neutral. I really do not know what researches he has made in the realms of this Bill or the subject-matter of this Bill that after twelve months he comes forward and opposes the Bill as well as the very modest motion for reference to a select committee. Therefore his attitude is more surprising to me than the attitude of the Government. I should have expected the Leader of the Opposition and the members of his party to have wholeheartedly supported the Bill and if there were any defects in the Bill to have remedied or rectified them in the select committee. But I find, Sir, that all the members of that party who have spoken have opposed the Bill and opposed also its reference to the select committee. This attitude to me is very surprising indeed and although my honourable friend has made a very long speech on this motion if you boil it down the only argument that he has advanced is that you are giving more power to the police and nothing else. My honourable friend has attacked the mover of the Bill that he did not make a long speech, that he showed discourtesy to the House and he did not come forward with explanations. I do not share these views inasmuch as this Bill was before the House last time and a number of speeches were made both for and against the Bill and the whole thing was threshed out. Consequently it would have been only superfluous on the part of my honourable friend Mr. Ahmad Shah to make a long speech in moving this Bill and as a matter of fact he does not stand to any criticism or condemnation on

that score. Another remark has been made that he is a nominated member. Well, what sin has he committed if he has brought this Bill forward in the name of morality and in order to improve morality of the province if he is a nominated member.

Mr. C. Y. Chintamani: I hope you do not attribute that remark to me.

Rai Bahadur Babu Vikramajit Singh: I do not refer to you but to the member who, said this.

(Mr. C. Y. Chintamani was saying something.)

The Hon'ble the President: Order, order. No dialogues are permissible on the floor of the House.

Rai Bahadur Babu Vikramajit Singh: If the elected members do not do their duty to the public and if a nominated member does it he has to be congratulated rather than condemned and I congratulate Mr. Ahmad Shah on bringing this Bill before the House. He has also been attacked that he had the audacity to bring this Bill although it was once thrown out. Now, it will be remembered that it was thrown out by a very narrow majority and I can tell the House that it is a blot on the Council to throw out a Bill of this kind. I do not know with what face the members of Council can go to members of the public and to right thinking people and to good people and to say that they have acted rightly in throwing out a Bill of this kind. Sir, it is not an original thing that a Bill of this kind has been brought here. There are other Councils in the country where similar legislation has been passed. Madras has passed legislation of this kind wherefrom my honourable friend the Leader of the Opposition hails, Bombay, Bengal and Burma have passed similar legislations; so how could it be said that legislation of this kind is absolutely an improper thing and should not be passed. My honourable friend has given a long sermon on the rights and duties of the mover of a Bill, as to what he should say and what he should not say. I should say that those are attempts to side track the issue. Whether he has made a long speech or a short speech, it does not matter at all. The Bill is before the House, every member of this Council has seen the Bill, read through it and now it is for him to make up his mind whether he is for the principles laid down in the Bill or not. My honourable friend has said nothing with regard to the principles underlying the Bill, namely, whether prostitution is an institution which is wicked, which ought to be put a stop to or controlled or curtailed and whether any steps ought to be taken to check it. Nothing has been said on these points at all. All that has been said is that if you were to pass a Bill of this kind then in that case the police will have a lot of power to do mischief. Now, I submit, Sir, that with regard to all penal measures it is the police that has got to do this duty, and if you entrust the police with controlling various offences under the Indian Penal Code, Gambling Act, Excise Act and various other laws of the country, I do not know how you can say that the police ought not to be entrusted with the duty of interfering with the sacred workings of a prostitute or that they should not meddle with them because they will become engines of oppression, as if these

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are the only people who require extra protection at the hands of Government. I really fail to see, Sir, what is there in that argument. My honourable friend has not suggested that you can replace the police by another agency in order to carry out the penal provisions of the Act. If they were to introduce another agency, for instance, any volunteers or any associations, to control a thing of that nature, I personally have no objection on that point at all. The question is whether we are going to do anything to check immorality, if we are convinced that this institution is one that requires checking and controlling. My honourable friends have suggested that this Bill is very loosely worded, that it is not well drafted, so on and so forth. If any honourable member was interested in putting down this evil it was up to him to draft a better Bill if he could. I should have liked the Government to interest itself in the matter because it is really the lookout of the Government also to improve morality and consequently the Bill ought to have been prepared by Government—Government having the services of the Legal Remembrancer and other technical experts at their disposal, they would have drafted the Bill much better. But that is no argument for not going on with a Bill of this kind.

I do not propose to go into the details of this Bill. If they require any amendment, if they require any improvement that could always be done by the Select Committee, and I do not think that there could possibly be any difficulty in improving the provisions of the Bill. My honourable friend on the right (Khan Bahadur Maulvi Fasih-ud-din) has also been taken to task for saying that the Bill requires complete overhauling. We should not be so crotchety as to catch the words used, but we should see the sense of the whole speech, we should see what he meant by that. What he means to say is that if there is any defect in the drafting of the Bill it could be improved by the select committee. The real point is whether we are agreed on the principles underlying the Bill. The principle is that so far as minor girls are concerned they require to be rescued; we do not wish to perpetuate prostitution; we want to put a stop to it and minor girls ought to be rescued. He further says that brothels are a great curse and they ought to be controlled and removed. However, Sir, if the principles of the Bill are accepted the wordings could always be changed and improved. There could possibly be no difficulty on that point. My honourable friend has said that the scope of the Bill is wider than what the mover of the amendment has said. If it is wider, I would welcome it. I want the prostitution to be put a stop to.

One very curious argument has been advanced by my honourable friend, Shaikh Habibullah. He said that there ought to be some outlet, and if one were to put a stop to prostitution, the outlet would be stopped. I am really ashamed to find that an honourable member should put forward an argument of that kind.

Shaikh Muhammad Habibullah: Because the honourable member has not learnt human psychology.

Rai Bahadur Babu Vikramajit Singh: I think the honourable member should have reserved his eloquence and oratory and his researches for a better cause. He ought not to have spent all that time in supporting the arguments that he has advanced. If we were to push that argument of his about an outlet to a logical conclusion, it would come to this that in the case for instance of the criminal tribes they should be allowed to carry on their harmful activities of theft, dacoity, arson and robbery unchecked. In the speeches that have been made in opposition to this motion no one has said, except possibly Shaikh Habibullah, that prostitution is not a wicked thing and should not be put a stop to. We all know that this vice has ruined a large number of families.

Shaikh Muhammad Habibullah: I never said that it should not be put a stop to. I want to make a personal explanation, Sir.

The Hon'ble the President: The honourable member is not yielding, and so I am afraid no personal explanation can be made.

Rai Bahadur Babu Vikramajit Singh: It will be admitted on all hands that prostitution has destroyed many families. It is not a question of outlet. We know of cases where people have been found to pay more attention to prostitutes than to their wives. We know of cases where kingdoms have passed out of the hands of the rulers. Is that the case of an outlet or is it a case of wickedness. My point is that we ought to face the issue properly. We come here as elected or nominated members in this House, and we have got a certain responsibility to the public outside. I submit that in case prostitution is an immoral institution, it ought not to be perpetuated, and every effort must be made to check it and control it.

Those honourable members who have opposed the motion on the ground that the measure is impracticable have not given the slightest thought to evolve a scheme which was more practicable or practical than the one put forward by my honourable friend, Mr. Ahmad Shah. They are always welcome to put forward a better scheme, but it appears to me that theirs are merely attempts to obscure the real issue, and that they are not in favour of putting a stop to this institution of prostitution, which I submit is a wicked one. Whatever may be said by the supporters of that institution, I am not in the least convinced . . .

Chaudhri Muhammad Ali: I rise to a point of order. I do not remember that there is any member in this House who defended the institution of prostitution.

The Hon'ble the President: This is hardly a point of order.

Rai Bahadur Babu Vikramajit Singh: I am very glad that a confession has been made by my honourable friend, Chaudhri Muhammad Ali, that none of the previous speakers has defended the institution of prostitution. Then I should like to know what is their attitude on this. If the matter is such as is not defended and cannot be defended, then in that case it has to be done away with. Here is a Bill which attempts to do away with that evil. I know that it hits my honourable friends very hard because they want to oppose the motion and I want to advance arguments in support of the amendment that the Bill ought to be referred to a

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select committee. I have listened with great attention to the speech of Chaudhri Muhammad Ali Sahib, but I do not know really what points he has made. Of course we are very much pleased with his very humorous speech and it was very delightful, but really the question is—how has he met the Bill itself? As I submitted, the Bill cannot be shelved by humorous arguments or by arguments merely to sidetrack the issue, but we have to face the real facts. The first thing that we have to consider is if this institution of prostitution is a bad one. Some of my honourable friends have been giving some examples of the West, also quoting some Western authors. We in India on questions of this nature do not require any assistance from the Western countries. We might learn from them patriotism, administration, discipline and many other qualities; but so far as the question of morality goes, I think other countries have to learn from India and India has got nothing to learn from them. Now, Sir, my honourable friends will remember that the ideal of Hindus on the question of morality has always been a high one. What other country can boast that women burnt themselves alive on the pyre in hundreds and thousands merely to save their honour and chastity? Is there any country which can boast of it? In the same way you will find that every religion in India teaches morality on those lines. My honourable friends have not quoted here either the Shastras or the Quran or anything from the religion to show that this thing ought to be perpetuated, but they have been reading Havelock Ellis and so on. There are so many vices which it is difficult to put down; but the question is whether we ought to attempt to put them down. It was said that gambling has not been put down, that cocaine smuggling has not been put down. For that reason did we supersede the Gambling Act? Did we take away from the Statute Book that or any other Act? (*A voice*—that ought to be taken away). You can give liberty to anybody to do what he likes

Khan Bahadur Maulvi Fasih-ud-din: What about the Indian Penal Code?

A Voice:—That also must be wiped out.

Rai Bahadur Babu Vikramajit Singh: My honourable friend should remember what has been the culture of Hindus and Muhammadans in India. Prostitution is an institution which has only grown during some hundred years in the past and consequently this is an institution which ought to be done away with.

Shaikh Muhammad Habibullah: Question?

Rai Bahadur Babu Vikramajit Singh: I think that question can be very easily answered. Before the invasion of India was made by the Muhammadans from Afghanistan you will find that there is absolutely nothing to show that there has been any public prostitutes in India.

Shaikh Muhammad Habibullah: Question?

Rai Bahadur Babu Vikramajit Singh: It was only after the invasion when certain armies came, they were bachelors or did not bring their wives, and consequently gradually on account of some bad women this institution sprang up. But now we are not living in a country where war is going on, we are living in peace. Where is the good of having an institution like that and why cannot we put down this institution. Some statistics have been given by honourable members. It was said that at one time it was 9,000 and that it has now gone down to 3,000, consequently it will not affect a very large population, it will affect only 3,000 people. Why does my honourable friend think that it should be continued? It has got vices and it ought to be put down in the interests of general morality. Then it was pointed out that if this institution is put down or abolished then the morality or chastity of other people might be attacked. An objection was taken by my honourable friend sitting on my right to a statement of that kind. But I have another argument to put forward. Prostitution spreads a great deal of immorality inasmuch as any one can go to a prostitute without the slightest check, but if any one wishes to outrage or spoil the chastity of a private woman, then he will have to take very strong steps, he will have to run after her for years and he will be taking great risks. Therefore I do not think that immorality in that way could be increased. Certainly you will save the morality of many a young misguided man if you do away with prostitution altogether. My honourable friend Shaikh Muhammad Habibullah for whom I have always very great respect, is really misguided on this point. It is no fault of his, but it appears to me that he is misguided. He does not really appreciate the real point in this question. First he ought to apply his mind to consider whether prostitution is a bad thing. If we are all agreed on that point and I think, Sir, that no moral person will say that an institution of that kind ought to be continued in the interests of society, in the interests of public, in that case we must apply ourselves to find out really practical methods how to check it without being an engine of oppression in any way. Of course in applying the penal law it always happens, with the best police, with the best magistracy, that some innocent men are molested, some innocent men are convicted. But that is no reason why the ideal should not be attained. Our point is that we must place before ourselves a high ideal. We should not allow our name to be degraded in this way, that we as a Council are afraid to put on the Statute Book even a modest Bill of this nature which has been put forward. Why are we afraid, I do not understand? Of course we find here a lot of resolutions that have been passed by prostitutes and other people who are interested, that such a legislation should not be taken up. I think that that ought to give us an impetus to pass a legislation of this kind. There is absolutely no difficulty for any individual to take a wife to marry. Where is the difficulty? Can any of my honourable friends who are opposing this Bill say that it is impossible for a man to marry? What they mean to say is that there are men who have no wives and some provision ought to be made for them, I say there is absolutely no difficulty even for the poorest man to have a wife. And if he has a wife where is the excuse for him to go about in this fashion and to say that he ought to have another. Our efforts should be, Sir, to

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raise our womanhood. The only lady member of the House said that it was a blot on womanhood to keep an institution like this, and I think the members ought to respect the wishes of the respectable women of the province, expressed through the lady member of the House. It is said that she does not understand this and she has not made inquiries into this matter and so on. I submit, Sir, that all these arguments are a mere eye-wash. We ought not to consider arguments of this nature. I would be very glad to discuss or to debate and to consider, if any reasonable arguments are put forward on this motion. But if this honourable House were to analyse all the arguments that have been put forward as against this, they will find that as a matter of fact there are no arguments which go against this Bill. Now, Sir, with regard to our civilization, I have given one instance of what Hindu culture was. Now with regard to Muhammadan culture too, if you were to go to the best Muhammadan writers, you will find what was their culture and what they really wanted, and the way in which they wanted the women to behave. Look at Shahnama written by Firdausi, one of the greatest poets. The couplet is well known to everybody. I will just ask you to see the import of this couplet.

منیزه منم دخت انرا سیاب * بوهنه نه دیده منم آفتاب

Now what is the import of that? The import is, she says that she is a daughter of Afrasyab and even the sun has not seen her naked. That means that they were so proud of the chastity of woman that even the exposure of the person was considered to be highly improper—what to say of men, even the sun had not seen her naked.

Now with regard to the morality of married wives too you find what is the Muhammadan culture. They say . . .

زن بد در سرائه مرد نکو * هم درین عالم است دوزخ او

If you have got a bad wife in the house, then in this very world it is hell. So that our culture shows that a high standard of morality we have got in India and I submit that this institution of prostitution has really lowered the name of India, and if you had to do away with this institution, the sooner the better and it will raise our womanhood and will raise the name of India in the eyes of the whole world. It is said that in London there were 30,000 prostitutes who were known to the police. Now my honourable friend will admit that in England there are no recognized prostitutes at all. Whether there were bad women is a different matter. India has always boasted of the chastity and morality of our women, and consequently we are not afraid of them. Therefore, Sir, it would be highly improper for any member of the Council to cast his vote against the amendment inasmuch as this amendment merely recommends that this Bill ought to go to a Select Committee, where any defects which may be in the Bill, will be cured and the honourable members will have a full right, if they are inclined to improve the morality of their countrymen, to suggest any methods to improve the Bill. They cannot say that they entirely distrust the Police because after all they are the guardians of peace and in so many other matters they give assistance and they control order in the province. Consequently, this argument that the matter should go in the hands of the police to any extent ought not to

stand in our way in sending the Bill to the Select Committee. I therefore heartily support the reference of this Bill to the Select Committee.

Raja Jagannath Bakhsh Singh: Mr. President, it was not my intention to make any speech, but now that the debate has taken this turn, I feel that I cannot cast my vote without making a few observations. To follow the Leader of the Constitutional Party, I shall first welcome the appointment of the Hon'ble the Home Member. It has been rightly said that he is an experienced administrator, that his appointment has met the grievances of the Hindus that no Hindu has so far been appointed as Home Member. Apart from these two facts, his appointment is equally hailed by the zamindars of these provinces. Being one of the premier zamindars, he has always taken up the cause of zamindars so far as I know during his official career. The zamindars of these provinces have looked to him as a defender of their rights and privileges, and we are simply glad to find him occupying a high office. We are not only delighted, but we feel strengthened that the rights of the zamindars and their privileges, whenever required, will be defended by him in the Government no less zealously than he did before.

I come to the point now, Sir. I have been listening to some very interesting and enlightening speeches for and against the motion that is before us. I will make it clear that it is not my intention to inflame the heat that seems to have been generated in this debate. But what I have felt is the want of any development of technical points concerning this Bill. The matter so far has been debated generally as to whether prostitution as a profession should be allowed to go without legislation or not. That is not the question at the present time. This Bill has been before the House 12 months ago. The Bill was introduced and referred to a Select Committee; and it emerged from the Select Committee and the report of the Select Committee was rejected, so far as I know, by this House in this very room. Now the question before the House at the present time is and should be what particular changes have been made in this measure which is before us now which justify us to consider it or which justify us to refer it to another Select Committee. In the absence of such justification I do not think that the mover expects the support of the honourable members of this House. I have failed to see any such point raised by the honourable mover of this Bill or the supporters of this Bill. Generally speaking, we can say a lot for and against this measure. I may say that, I am not one of those who do not advocate a reform in this profession. I am rather one of those who would like reform to be made as best as possible, but at the same time taking this particular Bill, this particular measure into consideration, I fail to see what changes have been made in this Bill which convince us to allow it to be sent to a Select Committee or to be considered. In the absence of these two things I do not see how the sponsor of the Bill or its supporters can expect the support of the House. As was aptly remarked by the Leader of the Opposition, almost a silent motion by the honourable mover of this Bill made matters very doubtful in the minds of the members on this side of the House. Evidently he should explain to us, he should explain to the House that since the House has rejected this Bill it has

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been so modified as to deserve the support of this Council in sending it to a Select Committee. In the absence of these two things I do not think that this measure deserves the support of this House. I do not think it deserves to be referred to a Select Committee even, to say nothing of its being considered straightaway.

With these few words I oppose the motion that is before the House.

The Hon'ble the Home Member: Sir, I need hardly say how grateful I am to the honourable Khan Bahadur Hafiz Hidayat Husain, to my honourable friend Rai Bahadur Vikramajit Singh, to the Leader of the Independent Party and to my honourable friend Mr. Chintamani for the too generous terms in which they have referred to myself. I need hardly assure the House that it will be my constant endeavour during the period that I happen to occupy this office to retain their goodwill and confidence. I am glad to hear from the Leader of the Opposition that my presence in this House acts as a stimulus to him. It is perhaps this accident which has been the occasion for the very powerful, for the very eloquent speech to which we have just listened. Sir, I have never concealed, and my opinion is entitled to some weight because I have had intimate knowledge of the Leader of the Opposition both on this side of the House and in opposition, that he is undoubtedly one of the most remarkable parliamentarians of the time in India. He is not only an ornament to the debates of this House but I make bold to say that in any deliberative assembly his eloquence and his gift for debate would place him in the forefront.

Now, Sir, I think my honourable friend has filled the role of the Leader of the Opposition to perfection. He has criticized the Government for being neutral. He said that instead of coming out into the open, they have taken refuge behind the veil of neutrality, that it was up to them to take part in the debate and to show by their vote that they were supporting the right cause. Well, Sir, I looked through the proceedings of the debate last year. I carefully scrutinized the division list and I found that the honourable member had remained neutral last year. When we took up this attitude this year we thought we were on safe ground and not liable to attack on that account. All that I need say is that we have been consistent in our attitude. As regards the point that I should have been in charge of the Bill instead of my honourable colleague, I think I owe an explanation to the House. Government having decided that they were to remain neutral, I thought, holding certain strong opinions about this Bill, that my honourable colleague would probably be less neutral than myself. I therefore asked him whether he would have any objection to being in charge of the Bill. I did not realize at the moment, Sir, that it would cause any inconvenience or any embarrassment to the House. If I had thought that that would be the result I would have certainly adopted the same position as was taken up by my predecessor last year. I again thank honourable members for the very kind references which they have made about me.

Several members rose.

The Hon'ble the President: Does the House want to prolong the debate or to come to vote. Mr. E. Ahmad Shah.

Mr. E. Ahmad Shah: Sir, may I know the time up to which the Council will continue today?

The Hon'ble the President: Is the honourable member going to speak or not?

Mr. E. Ahmad Shah: Sir, I would like to explain certain points that have been raised by the honourable members of this House.

The Hon'ble the President: I have given him the opportunity of winding up the debate now, and he may do so.

Mr. E. Ahmad Shah: Sir, I will first of all explain the reason of my silence for not offering an explanation when I moved for the consideration of the Bill by this House. No less a person than the Leader of the Opposition has found certain faults in that attitude of mine and I think an explanation is necessary to start with. This Bill has been in the hands of the honourable members of this House for more than one year. This Bill, as it is now presented, has been circulated for the consideration of the honourable members of this House and the expectation was that they will read the Bill and keep in mind those changes that have been incorporated in this Bill as compared with that Bill which was drafted by the select committee last year. I expected, and I still expect, that my honourable colleagues go through the Bills when they are presented; they read them; they intelligently study them and find for themselves what are the points of agreement and difference with the Bills previously presented. And I know it for a fact that a number of my honourable colleagues of this House have gone through the details of the present Bill in the form in which it is presented. I did not think it proper on my part to take up the time of the Council in bringing out before them in marked contrast the additions and the omissions between the present Bill and the previous Bill. That is one of the reasons why I did not offer any explanation. Another reason was that I took it for granted that the honourable members were well acquainted with the contents of my Bill and as such, I did not like to waste the time of the Council at that stage. I wanted to reserve my remarks to a later stage when the honourable members had expressed their opinions and made it clear what they felt about the Bill which was put before them for consideration. I find, Sir, that the main charge that has been levelled against the Bill is only one and one alone . . .

Shaikh Muhammad Habibullah: No.

Mr. E. Ahmad Shah: Namely that the honourable members do not know what the contents of the Bill are. Well, Sir, if they did not care to study the Bill, and oppose the Bill on superficial grounds, they are condemning themselves. Now, I shall consider the remarks of one of the prominent speakers of the day, who seems to have taken a good deal of trouble in studying not the Bill, but books relating to Sex Psychology—I mean Shaikh Muhammad Habibullah. During the debate last year in this very House he pointed out that an important defect in the Bill was that it was penalizing one section of the society, i.e. the woman only, and man, who was the buyer in the traffic, was left scot free. In my speech I pointed out that in the Bill, as it was then framed, the man, who was the buyer in the traffic, was not left scot free. However,

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one improvement in this Bill is a clear provision imposing penalty on the person who is the buyer. I refer to clause 3, sub-clause (b) which reads as follows:

"Any person who goes to a brothel for the purpose of prostitution, shall be punished with imprisonment"

It will, therefore, be seen that I have included in this Bill the buyer as well. I wonder if this satisfies my honourable colleague and those members of his party and his view who thought that the buyer was left scot-free. That is one change that is incorporated in this Bill.

Another point that has been raised against the present form of the Bill is that great latitude has been allowed to the police. This point was also raised on the previous occasion. In the light of that discussion another clause has been incorporated in the present Bill in clause 9. If the honourable members will turn to this clause, they will see the difference. The clause in the previous Bill ran as follows: "Where a magistrate has reason to believe from a report made to him by a police officer that a girl is carrying on the profession, etc." This was the previous provision. At that time the honourable members of this House said that too much reliance was being put on the information of the police officer, and suggested amendments to rectify the position. In view of that criticism I have incorporated the following new clause in the present Bill: "Where a magistrate, upon credible information and after such inquiry as he may think necessary, has reason to believe on a complaint made to him that a girl is carrying on etc." There are three clauses incorporated in the new Bill with a view to minimize the so-called power entrusted to the police of which the members of this House are so nervous. Sir, may I request my honourable colleagues to pay heed to this clause. Now a cursory report of a police officer will not be accepted: an ordinary accusation by a ordinary walking constable will not be attended to. What is now intended through this Bill is as follow: "Where a magistrate on a complaint made to him has reason to believe upon credible information and after such inquiry as he may think necessary." Three distinct conditions are laid down with a view to minimize that danger, of which some of the honourable members of this House are so nervous that they have made mountain of a mole-hill, and have thought that this Bill has been presented in such a form as will give the police powers to attack our homes, molest citizens, and defame respectable persons. One of the eminent members challenged Khan Bahadur Maulvi Fasih-ud-din Sahib whether under the present regulations of the Bill he will be safe from the attacks of even an ordinary constable. I am quoting his words. I wonder at this challenge. Sir, I again request the honourable members to read carefully clause 9. In its body the following words are found: "He may issue an order"—he is the magistrate of the first class—"to a police officer not below the rank of an inspector." The challenge was "Can you guarantee safety from an attack by an ordinary constable?" There is no foundation whatsoever in that challenge. Here the provision is that a magistrate of the first class must on credible information, after

such inquiry as he may think fit, issue a notice. To whom? Is it to an ordinary constable? The statement implied a distortion of the provisions of the Bill, a false presentation of the implications of the Bill. The fact is that such a person as a first class magistrate is to issue an order not to an officer below the rank of an inspector specially authorized in writing—not a verbal order which may be changed. He, that is a magistrate of the first class, has to give the order in writing. The seriousness of the implication is self-evident. It is this provision which has been incorporated in the new form of the Bill which is presented for your consideration. It is not hastily thrust upon you, it is not presented before you without giving thought to it.

The Hon'ble the President: Order, order. The honourable member knows that he must address the Chair and not honourable members direct.

Mr. E. Ahmad Shah: Sir, another important change is in the lessening of the punishment of the culprit both in the terms of the period of imprisonment and fine, which have been reduced to half. Compare clauses 3, 5, 6, 7, and 8.

Sir, two honourable members have suggested that it is a loosely drafted Bill. I am again amazed at the audacity of the suggestion "loosely drafted Bill." Sir, if the honourable members will see to the history of this Bill, as I know that some of them have done, they will realize that the draft of this Bill, which is based on similar Bills, has passed through select committees, both of this as well as of other provinces, consisting of such person as retired Judges of High Courts, eminent lawyers, Government Legal Remembrancers, able editors and presided over by Home Members. I am referring to the Madras, Bombay and Calcutta Legislative Councils, where similar Bills were drafted by their select committees. Is it implied that the form of this Bill, the skeleton of the Bill, has been haphazardly jumbled together with a clause here and a clause there and given no thought as to how it should be drafted and presented in a workable and practical form? It has been examined by retired Judges, it has been examined by men of eminence, first class advocates, not only of the Madras Province but of the Province of Bombay, of the Province of Bengal, leave alone Burma if that is considered a backward province. When three Presidency provinces through the agency of their select committees have drafted this Bill—and this Bill is drafted in the line of those Bills, with what face can any one come forward here and to level a charge against this Bill and say it is a loosely worded Bill. Where is the looseness about it? Has any member pointed out a single clause that has been loosely drafted, giving no meaning whatsoever? If they had tried to do this, they would have seen that they were standing on sand. There is not a single clause loosely worded, which is unintelligible.

Sir, powers given to the police has been made the main point at issue. I have already explained above what restricted powers are given to the police. Police is the executive body in this country. When we pass our measures, when we consider our Bills, we have to place the measure before a body of people who would execute them. I do not mean to

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defend that each and every officer of the police is above board. There are black sheep everywhere. But do we mean to say that on account of a black sheep we will condemn the rank and file of the whole institution? If certain persons in a particular body have not been carrying out their duty in the right manner, our attitude should be to point out those mistakes and to bring those defects to the notice of the authorities and officers in charge. In this spirit we should set them right, rather than make lame excuses in some such terms as the police is a corrupt institution, it molests citizens, it defames respectable persons. Lame excuses and false generalizations carry no weight whatsoever. They may catch the eye of a superficial observer, but leave no impression as they are without any foundation whatsoever. If the police is given certain control, it is given control to carry out a certain measure which we have found for the good of the people. We should trust in the institution and help it in carrying out its duties effectively.

At this stage, Sir, allow me to say that, though I have moved for the consideration of the Bill, I am perfectly willing to support the motion to refer it to a select committee, coming as it does from the only lady member of this House. Supposing there are defects in this Bill, supposing there are certain drawbacks, it is the function of the select committee to go into them, to re-draft the Bill and present it in a practical shape. Sir, I make bold to say that the opposition, denying even the reference of the Bill to a select committee, is only an opposition for the sake of the opposition. Have we not seen it last year, when the Bill was presented in a slightly different form? Did we not refer the Bill to a select committee, did we not, Sir, include in it one of the vehement opposers of this Bill, I mean Chaudhri Muhammad Ali? And still, in spite of that, opposition was made for the sake of opposition. Keeping in view such an attitude, even now I do not intend to debar the opposite party from coming into the select committee for reconsideration of the Bill, re-drafting it, changing it and putting it into a workable shape. Last time when Chaudhri Muhammad Ali accepted the membership of the select committee we accepted his amendments.

Chaudhri Muhammad Ali: They were not accepted, Sir.

Mr. E. Ahmad Shah: His amendments, some of them which very vitally affected the fundamental principles of the Bill, were accepted. What did we find even after the acceptance of those provisions? We found that the Bill when it came before the House was opposed. That opposition makes me think that those who are now opposing it, those who now say that the Bill is loosely drafted and is impracticable and, as such, cannot be accepted by the House, suggest that if a new Bill is brought forward in a new form by a new member, perhaps by an elected member, then they will consider it and accept it. I think, Sir, this is another lame excuse. It is raised for the time being with the object of gaining their point, so that the Bill may not be referred to the select committee.

Concerning another objection which has been raised that the Bill is introduced by a non-elected, a nominated member, that he does not represent any constituency, thereby indicating that the Bill should have been presented by an elected member representing a constituency, I would like to say : "Heaven help representation by election if the only qualification of such a representation is the defence of prostitution." A nominated member may not have an elective constituency—that I accept—but under the provisions of the present Act it had to be like that. And can I hope that if a man from my constituency comes through the avenue of election and presents the Bill it will be acceptable to those who have been opposing it? Can I hope? I am afraid not. My fear is based on another point which they have raised. They have said that the nominated member, representing a particular faith, has adopted a very clever method, a hidden device, to drive certain sections of people into his faith, as if the faith to which he belonged depends on the coming in of such people only. For their consolation—I am afraid those who have raised this objection have not read the Bill—for their consolation I will read the proviso to the ninth article which runs as follows : "Provided that the person or persons who may be entrusted with the custody of such a girl or be entrusted with the management of the rescue home or other institution where the girl is placed shall be of the same religion as that of the girl." This clause absolutely safeguards that apprehension of the opposition. I stand here with only one aim, with one single motive and purpose. It has been expressed from all the platforms of the provinces in India, by women. The aim being the rescue of women and girls from the most abominable of all the professions namely prostitution. Are honourable members of this House aware—I think, Sir, they are aware—of what happened in Lucknow when the All-India Women's Association met there. They took up this question and without a single dissentient voice whole-heartedly supported this Bill as it is presented today. They expressed their regret, seeing that the Bill was not accepted by this Legislative Council last year, and have expressed the hope that the time would not be very far off when the same Legislative Council would re-consider the position and accept it. Here is a declaration and a mandate which comes from the women of India. It was not only declared at the last meeting of the All-India Women's Association at Lucknow, but at Madras, Lahore, and Bombay as well. Year after year they have asked for such legislation. And I am ashamed to find that while other provinces have passed such measures, we here are still hesitating about it.

I will answer one other criticism and then I will bring my remarks to an end. It was said that the warmest supporter of the Bill has said that the present Bill requires complete overhauling. Keeping in view the words "complete overhauling", it was stated that, as one of the supporters had suggested it, the Bill was therefore unacceptable. Rai Bahadur Babu Vikramajit Singh has already explained the intention of the honourable member. To rely on such flimsy grounds is nothing short of the famous saying : "a drowning man catcheth at a straw." If there are defects in the Bill, they could surely be removed in the select

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committee. I submit again, Sir; that the Bill has been carefully drafted, for it incorporates the best thought of the intelligentsia of the three other provinces, and, in addition, it has been modified on the lines suggested by honourable members who opposed this measure on the last occasion. If the Bill is allowed to proceed to the select committee, then I am perfectly certain that other defects, if there be any, will be removed. At any rate, after the select committee has submitted its report, this honourable House will again have an opportunity to scrutinize it and to further amend it, so as to bring it into a practical and acceptable form. *Chara kare kunad aqil ki baz aeyad pashemani*. In conclusion, Sir, I ask the Council to accept the motion of the honourable lady member of this House, and refer the Bill to a select committee. When the select committee has reported on the Bill it will be open to this Council to accept it or to throw it out.

The Hon'ble the Finance Member: I just rise to say a few words on this subject of neutrality. It shows the danger of a precedent. We were neutral on the last occasion when the Bill came up, and nobody on that occasion raised any objection about neutrality. We found it rather difficult to change our position now. At best we could give the officials a free vote, because, with all respect to my friends opposite, the officials are interested in a matter like this. Not as officials, but as mere men. I am, however, somewhat amused at this objection to the officials not voting. I wonder how many times complaints have been made in the press or in this Council that this or that measure has been passed by the vote of the official bloc. Now, the complaint is that the officials are not voting. When we do vote, you tell us that we ought not to vote, and when we don't, you tell us that we ought to do so. I think, Sir, the position is a trifle hard for the official bloc.

Next, I should like to say a few words about my honourable colleague—to whom I extend my own congratulations,—not being in charge. To be in charge of this measure is the last I desired. I may explain at once that my knowledge of the subject is entirely theoretical and that my interest in it is purely platonic. The fact of the matter is that my honourable colleague pressed me to take this on, and I very often yield to pressure. So you find me where I do not want to be.

As for the reference to select committee, the position of Government is precisely the same as on the main motion. On this, as on the main motion, the Government will not vote.

The Hon'ble the President: The original motion was that the United Provinces Suppression of Immoral Traffic Bill be taken into consideration, since when an amendment has been moved that the Bill be referred to a select committee.

The question is that the United Provinces Suppression of Immoral Traffic Bill be referred to a select committee.

The question was put and adopted, the House having divided as follows: Ayes 28, Noes 23.

AYES

Ahmad Shah, Mr. E.	Keshava Chandra Singh, Thakur.
Arjuna Singh, Chaudhri.	Maqsd Ali Khan, Khan Bahadur, Mu-
Bhonde Ram, Mr.	hammad.
Birendra Bikram Singh, Raja.	Perma, Mr.
Bisheshwar Dayal Seth, Rai Bahadur,	Prem Ballabh Belwal, Pandit.
Kunwar.	Rahmat Khan, Mr. Muhammad.
Brahma Dutt, Pandit, <i>alias</i> Bhaiya Sahib.	Ram Adhin, Chaudhri.
Dhirya Singh, Chaudhri.	Ram Chandra, Chaudhri.
Fasih-ud-din, Khan Bahadur, Maulvi.	Ram Dayal, Chaudhri.
Ghasita, Chaudhri.	Rama Charana, Rai Sahib Babu.
Hidayat Husain, Khan Bahadur, Hafiz.	Srivastava, The Hon'ble Mr. J. P.
Jafer Hosain, Khan Bahadur, Saiyid.	Srivastava, Mrs. Kailash.
Jagarnath, Chaudhri.	Surendra Pratap Sahi, Rai Bahadur,
Joti Prasad Upadhyaya, Pandit.	Kunwar.
Kamta Nath Saksena, Babu.	Tappu, Mr.
Vikramajit Singh, Rai Bahadur, Babu.	

NOES

Abdul Bari, Khan Bahadur, Mr. Muham-	Jagannath Bakhsh Singh, Raja.
mad.	Jagbhan Singh, Kunwar.
Adya Prasad, Babu.	Jang Bahadur Singh Bisht, Thakur.
Awadh Bihari Lal, Rai Bahadur, Babu.	Muhammad Ali, Chaudhri.
Balwant Singh Gahlot, Thakur.	Muneshwar Bakhsh Singh, Thakur.
Brijnandan Lal, Mr.	Narsingh Rao, Rao.
Chintamani, Mr. C. Y.	Nazar Husain, Shah.
Gajadhar Prasad, Babu.	Rajeshwar Bali, Rai.
Habibullah, Khan Bahadur, Maulvi	Rajeshwari Prasad, Rai Sahib.
Saiyid.	Ram Bahadur Saksena, Babu.
Habibullah, Shaikh Muhammad.	Sadayatan Pande, Pandit Shri.
Hadiyar Khan, Khan Bahadur, Muham-	Sardar Singh, Rao Bahadur, Kunwar.
mad.	Yusuf Ali, Syed.

The Hon'ble the President: The further motion about the personnel of the select committee I shall take up tomorrow, after which resolutions will be taken up.

The Council was then adjourned at 4.15 p.m. till Wednesday, the 28th of June, 1933.

APPENDIX A

(See page 3, *supra*)

Statement referred to in answer to starred question No. 7(1) for the Council meeting of 27th June, 1933, asked by LALA SHYAM LAL SAHIB

Division	District	Municipalities having Executive Officers	Age of Executive Officer on 31st March, 1933		
			Years	Months	Days
Meerut	Dehra Dun	Dehra ..	47	..	..
		Mussoorie ..	47	5	20
	Saharanpur	Saharanpur ..	47	3	..
		Hardwar Union ..	46	10	..
	Muzaffarnagar	Roorkee ..	36	8	..
	Meerut ..	Muzaffarnagar ..	56	7	..
Agra	Bulandshahr	Meerut ..	63	4	7
		Bulandshahr ..	31	..	..
	Aligarh ..	Khurja ..	54	..	..
		Aligarh ..	44	9	..
	Agra ..	Agra ..	60	7	12
		Firozabad ..	39	7	..
Bohilkhand	Bareilly ..	Bareilly ..	51	3	..
	Moradabad	Moradabad ..	27	3	..
		Amroha ..	55	11	..
	Shahjahanpur	Sambhal ..	50	..	..
		Shahjahanpur ..	27	..	..
	Pilibhit ..	Tilhar ..	35	10	..
Allahabad	Pilibhit ..	Pilibhit ..	31	6	5
	Cawnpore ..	Cawnpore ..	56	3	..
Jhansi	Allahabad ..	Allahabad ..	46	7	..
	Jhansi ..	Jhansi ..	30	..	..
Benares	Jalaun ..	Kalpi ..	53	..	..
	Benares ..	Benares ..	59	6	..
	Mirzapur ..	Mirzapur ..	41	..	..
	Ghazipur ..	Ghazipur ..	32	..	13
Gorakhpur	Gorakhpur ..	Gorakhpur ..	40	..	23
	Azamgarh ..	Azamgarh ..	45	10	..
Lucknow	Lucknow ..	Lucknow ..	60	7	26
	Rae Bareilly ..	Rae Bareilly ..	39	1	26
Fyzabad	Fyzabad ..	Fyzabad ..	47	..	..
	Gonda ..	Gonda ..	49	8	20
	Bahraich ..	Bahraich ..	35	6	..
	Sultanpur ..	Sultanpur ..	56	7	..
Kumaun	Almora ..	Almora ..	40	7	..

APPENDIX B

(See page 4, *supra*)

Statement referred to in the answer to starred question No. 8 for 27th June, 1933, asked by PANDIT SHRI SADAYATAN PANDE

Serial no.	Name of veterinary assistant surgeons	Date of appointment	Date of last promotion	Date from which they are holding charge of the dispensaries	Remarks
1	M. Muhammad Shamsh-ud-din.	8th May, 1920	8th May, 1932	15th August, 1932.	
2	Sri Partab Singh ..	24th January, 1910.	1st April, 1926	1st April, 1926.	
3	Babu Kartar Singh ..	18th June, 1919	19th June, 1932	1st August, 1931.	
4	M. Muhammad Farid ..	16th November, 1920.	16th November, 1932.	19th March, 1927.	
5	M. Baqa Ahmad ..	8th September, 1913.	1st April, 1929	15th June, 1930.	
6	M. Rahmat Ali Khan ..	6th April, 1910	1st April, 1926	27th December, 1932.	
7	M. Abdul Moid ..	26th May, 1909	1st April, 1925	20th July, 1929.	
8	M. Zamir Hasan ..	27th May, 1916	1st April, 1932	3rd November, 1929.	
9	Babu Kesho Ram ..	27th July, 1918	6th August, 1932.	29th September, 1926.	
10	M. Azim-ud-din Khan ..	2nd May, 1913	21st March, 1931	21st June, 1930.	
11	M. Ghulam Qadir ..	13th August, 1910.	4th April, 1926	19th August, 1919.	
12	M. Mumtaz Ali ..	12th April, 1920	12th April, 1932	12th April, 1930.	
13	Babu Budh Ram ..	27th April, 1921	27th April, 1932	11th May, 1921.	
14	Babu Shanti Chandra Kaushak.	28th May, 1921	28th May, 1932	31st January, 1930.	
15	M. Nasir-ud-din ..	5th September, 1916.	4th April, 1932	11th April, 1930.	
16	Chaudhri Dalip Singh ..	18th May, 1924	18th May, 1932	27th September, 1926.	
17	M. Muhammad Umar Khan.	24th July, 1925	24th July, 1932	1st October, 1926.	
18	Sri Ujagar Singh ..	24th February, 1913.	1st April, 1928	26th February, 1920.	
19	M. Karamat Ali Khan ..	5th August, 1918.	3rd November, 1932.	31st August, 1929.	
20	S. Yusuf Hussain ..	28th May, 1920	28th May, 1932	13th April, 1924.	
21	M. Baqa Ullah ..	26th May, 1921	24th July, 1932	26th October, 1931.	
22	Thakur Bhanwar Singh	20th January, 1917.	20th January, 1932.	14th November, 1922.	
23	M. Zahur Ali Khan ..	25th September, 1926.	24th December, 1931.	22nd August, 1932.	
24	M. Abdul Ghani ..	26th July, 1915	1st April, 1931	31st March, 1930.	
25	Pandit Kishan Datta Pandey.	8th April, 1930	8th April, 1932	1st July, 1931.	
26	M. Abdul Rashid Khan	29th May, 1910	1st April, 1926	28th May, 1926.	
27	M. Shamsh-ud-din Ahmad	3rd May, 1929	3rd May, 1932	8th February, 1930.	
28	Babu Chunni Lal ..	1st May, 1917	18th June, 1932	25th July, 1931.	
29	Pandit Parey Lal Sharma.	2nd June, 1924	2nd June, 1932	19th July, 1931.	
30	M. Shamshadul Hasan ..	31st July, 1929	31st July, 1932	31st July, 1921.	
31	S. Ishtiaq Ali ..	16th July, 1912	1st April, 1928	31st December, 1930.	

Serial no.	Names of veterinary assistant surgeons	Date of appointment	Date of last promotion	Date from which they are holding charge of the dispensaries	Remarks
32	S. Nasir Husa'in ..	8th May, 1920	8th May, 1931	17th April, 1930.	Attached to slaughter house.
33	M. Zamir-ud-din ..	26th April, 1922	26th April, 1932	26th April, 1926.	
34	M. Muhammad Naim ..	29th April, 1918	16th May, 1932	..	
35	M. Mazahar Mshdi Khan	16th January, 1905.	1st April, 1920	22nd October, 1931.	
36	Babu Ambey Prasad ..	9th May, 1913..	1st April, 1929	9th June, 1926.	
37	M. Hamid Husain ..	26th April, 1921.	26th April, 1932.	5th September, 1929.	
38	M. Wahid Ullah Khan..	30th May, 1906	1st April, 1922	12th May, 1931.	
39	M. Tasudduq Husain ..	23th April, 1911	1st April, 1926	15th August, 1928.	
40	M. Muhammad Rafi Khan.	18th October, 1911.	1st April, 1928	2nd November, 1932.	
41	M. Hikma' Ullah ..	24th November, 1926.	24th November, 1932.	6th November, 1932.	
42	M. Abdul Jamil ..	1st May, 1911	1st April, 1927	1st June, 1928.	
43	M. Tafazil Hasan ..	16th April, 1918.	16th April, 1932.	17th August, 1918.	
44	Babu Mohan Lal ..	31st July, 1909	1st August, 1932.	12th June, 1928.	
45	M. Muhammad Abdullah	11th May, 1909	1st April, 1925	11th May, 1909.	
46	M. Mushaq Ahmad ..	11th March, 1912.	1st April, 1929	15th April, 1912.	
47	M. Himayat Ullah Khan	6th January, 1913.	1st April, 1928	6th January, 1913.	
48	Babu Amarnath Sudan	22nd November, 1920.	28th February, 1932.	4th December, 1920.	
49	M. Abdul Gharib Khan ..	15th May, 1903	1st April, 1925	15th May, 1908.	
50	Sa'iid Munawwar Husain	18th April, 1922.	18th April, 1932.	17th December, 1917.	
51	M. Qamaruddin ..	31st March, 1914.	10th May, 1929	1st October, 1932.	
52	Munshi Hiralal Gupta ..	16th April, 1930.	16th April, 1932	8th February, 1933.	
53	Babu Ramji Lal ..	4th May, 1910	1st April, 1926	2nd February, 1917.	
54	M. Gulsher Khan ..	15th December, 1925.	7th July, 1932	7th July, 1931.	
55	Babu G. N. Mukerjee ..	12th May, 1931	12th May, 1932	15th October, 1931.	
56	S. M. Qamrul Haq ..	12th May, 1914	1st April, 1930	12th August, 1932.	
57	M. Rafiq Ullah ..	11th November, 1915.	1st April, 1931	30th October, 1932.	
58	M. Altaf Husain Khan..	10th September, 1917.	22nd September, 1932.	15th November, 1920.	
59	M. Nazir Husain Alvi ..	3rd May, 1912	1st April, 1928	20th August, 1930.	
60	M. Sajjad Ali ..	1st September, 1916.	1st September, 1931.	2nd December, 1926.	
61	M. Muhammad Abdul Bari.	2nd September, 1931.	2nd September, 1932.	22nd September, 1932.	
62	M. Shams-ud-din Ansari	5th May, 1931	5th May, 1932	5th December, 1932.	
63	M. Mubarak Ali ..	16th May, 1927	16th May, 1932	23rd September, 1931.	
64	M. Abdul Ghani ..	2nd February, 1927.	2nd February, 1932.	1st August, 1932.	
65	M. Fazal Karim ..	3rd August, 1909.	1st April, 1925	8th August, 1932.	

Serial no.	Names of veterinary assistant surgeons	Date of appointment	Date of last promotion	Date from which they are holding charge of the dispensaries	Remarks
66	S. Jafar Husain ..	29th April, 1907.	1st April, 1929	7th May, 1927.	
67	M. Abdul Aziz Khan ..	10th April, 1917.	20th April, 1932	..	Working as itinerating Veterinary Assistant Surgeon.
68	M. Muhammad Abdul Rahman Khan.	21st April, 1919	21st April, 1932	12th November, 1928.	
69	Babu Ant Ram Gupta..	24th May, 1920	24th May, 1932	14th March, 1929.	
70	M. Zakir Husain ..	5th October, 1925.	5th October, 1931.	20th May, 1927.	
71	Babu Hukam Chand Joshi.	16th April, 1932.	..	5th August, 1932.	
72	Rao Masoodi Singh ..	12th May, 1930	12th May, 1932	6th March, 1933.	
73	Mr. Tahawar Ahmad Khan.	5th March, 1926	5th March, 1932	24th January, 1927.	
74	M. Maqsood Husain Khan.	16th September, 1913.	1st April, 1929	12th March, 1929.	
75	M. Ali Hasan Khan ..	11th July, 1925	12th July, 1932	28th August, 1926.	
76	Babu Hari Har Singh ..	21st April, 1927	21st April, 1932	1st September, 1927.	
77	Babu Basdeo Narain ..	17th June, 1928	17th June, 1930	3rd August, 1931.	
78	M. Abdul Qadir ..	19th May, 1924	19th May, 1932	1st September, 1932.	
79	M. Abdul Razaque ..	26th April, 1919	26th April, 1932	4th September, 1932.	
80	M. Tufail Ahmad Khan	29th April, 1918	29th April, 1931	7th February, 1933.	
81	M. Abdul Majid Khan ..	11th May, 1925	11th May, 1932	9th December, 1925.	
82	M. Muhammad Husain	2nd September, 1927.	2nd September, 1932.	26th September, 1928.	
83	Babu Lachhmi Narain Varma.	10th April, 1917	27th July, 1932	10th November, 1924.	
84	Babu Barkat Ram ..	2nd June, 1919	2nd June, 1932	3rd May, 1930.	
85	M. Nawab Ali ..	29th April, 1918	9th October, 1932.	20th September, 1931.	
86	M. Shamsh-ud-din Khan	14th December, 1926.	14th December, 1932.	3rd April, 1930.	
87	M. Noor Khan ..	21st July, 1911	1st January, 1929.	17th September, 1922.	
88	M. Barkat Ali ..	22nd May, 1914	23rd November, 1930.	6th August, 1925.	
89	Sri Nagina Singh ..	11th December, 1920.	11th December, 1931.	17th September, 1922.	
90	M. Wali Muhammad Khan.	4th November, 1904.	1st April, 1926	1st August, 1915.	
91	M. Shamshul Islam ..	18th May, 1912	1st April, 1929	24th June, 1919.	
92	M. Allah Noor Khan ..	13th July, 1927	13th July, 1932	13th July, 1927.	
93	M. Umed Ali ..	8th February, 1912.	20th May, 1928	10th July, 1922.	
94	M. Muhammad Husain Khan.	28th October, 1912.	1st April, 1929	21st September, 1929.	
95	Babu Durga Prasad Varma.	17th August, 1926.	17th August, 1932.	16th August, 1927.	
96	M. Ghulam Mohiuddin	24th May, 1909	1st April, 1925	21st November, 1920.	
97	M. Rifaqat Husain ..	10th September, 1907.	1st April, 1924	1st March, 1929.	
98	M. Nihal Ahmad ..	1st May, 1907	1st April, 1929	1st March, 1930.	
99	M. Abdul Ghaffar ..	9th July, 1928	9th July, 1932	8th August, 1931.	

Serial no.	Names of veterinary assistant surgeons	Date of appointment	Date of last promotion	Date from which they are holding charge of the dispensaries	Remarks
100	Sri Sher Singh ..	5th March, 1919	5th March, 1933	17th November, 1929.	
101	Babu Chhajju Singh ..	2nd April, 1924	2nd April, 1929	9th September, 1931.	
102	Babu Kali Charan Jagchi ..	2nd September, 1925.	2nd September, 1932.	24th March, 1926.	
103	M. Saadat Khan ..	2nd June, 1919	2nd June, 1932	16th May, 1920.	
104	Babu Bal Krishna Srivastava.	24th April, 1922	24th April, 1929	..	On itinerant duty.
105	Babu B. K. Roy ..	17th June, 1930	17th June, 1932	27th January, 1931.	
106	Babu Balai Chandra Mukerjee	14th May, 1931	14th May, 1932	19th May, 1931.	
107	Babu Jatindra Nath Mitter	2nd November, 1914.	1st April, 1930	27th May, 1928.	
108	M. Muhammed Hadi Yar Khan	1st May, 1920	1st May, 1932	21st February, 1923.	
109	S. Shamshad Ali ..	30th May, 1931	30th May, 1932	5th August, 1932.	
110	M. Rosan Khan ..	20th May, 1911	1st April, 1927	5th September, 1911.	
111	M. Mazhar Imam ..	18th December, 1907.	1st April, 1923	18th December, 1907.	
112	M. Muhammad Afrahim	29th April, 1921	23th April, 1932	8th January, 1929.	
113	M. Muhammad Umar ..	10th April, 1928	10th April, 1932	16th December, 1930.	
114	Babu Krishna Deo Shankar	26th August, 1931.	..	9th July, 1932.	
115	M. Abdul K. Aliq ..	3rd January, 1921.	3rd January, 1933.	18th September, 1927.	
116	M. Shamshad Ali ..	25th December, 1926.	25th December, 1932.	3rd October, 1930.	
117	M. Saadat Khan ..	13th June, 1929	13th June, 1932	6th March, 1930.	
118	Babu Ganga Narayan Prasad	1st July, 1930	1st December, 1931.	27th July, 1932.	
119	Babu Ram Sarup Lal ..	21st August, 1904.	1st April, 1920	18th November, 1904.	
120	M. Ghulam Hassan ..	26th April, 1907	1st October, 1930.	22nd September, 1930.	
121	Babu Gauri Shankar ..	6th July, 1910	11th April, 1926	1st October, 1930.	
122	M. Fazal Ahmed Khan ..	3rd December, 1917.	3rd December, 1931.	1st October, 1931.	
123	Babu Abdul Wahab ..	15th May, 1916	15th May, 1931	18th February, 1925.	
124	M. Ghulam Ahmad Khan ..	23rd April, 1907	1st January, 1927.	7th December, 1930.	
125	Babu ..	1st April, 1927	1st April, 1932	10th June, 1932.	
126	M. ..	17th June, 1930	17th June, 1932	10th January, 1931.	
127	M. ..	1st May, 1930	1st April, 1932	1st April, 1932.	
128	M. ..	1st May, 1932	3rd August, 1931.	1st April, 1932.	
129	M. ..	1st April, 1932	23rd April, 1932	23rd April, 1932.	
130	M. ..	1st April, 1932	1st April, 1932	1st April, 1932.	
131	M. ..	1st April, 1932	1st April, 1932	1st April, 1932.	
132	M. ..	1st April, 1932	1st April, 1932	1st April, 1932.	
133	M. ..	1st April, 1932	1st April, 1932	1st April, 1932.	
134	M. ..	1st April, 1932	1st April, 1932	1st April, 1932.	
135	M. ..	1st April, 1932	1st April, 1932	1st April, 1932.	
136	M. ..	1st April, 1932	1st April, 1932	1st April, 1932.	
137	M. ..	1st April, 1932	1st April, 1932	1st April, 1932.	
138	M. ..	1st April, 1932	1st April, 1932	1st April, 1932.	
139	M. ..	1st April, 1932	1st April, 1932	1st April, 1932.	
140	M. ..	1st April, 1932	1st April, 1932	1st April, 1932.	
141	M. ..	1st April, 1932	1st April, 1932	1st April, 1932.	
142	M. ..	1st April, 1932	1st April, 1932	1st April, 1932.	

Serial no.	Names of veterinary assistant surgeons	Date of appointment	Date of last promotion	Date from which they are holding charge of the dispensaries	Remarks
133	Babu Nand Lal ..	17th December, 1908.	1st April, 1927	1st May, 1932.	
134	Babu Roop Chand ..	6th May, 1918	6th May, 1932	3rd March, 1933.	
135	Babu Hari Raj Singh ..	18th March, 1926.	18th March, 1932.	20th July, 1929.	
136	Babu Deokinandan ..	24th April, 1919	24th April, 1932	April, 1932.	
137	Pandit Pitambar Datt ..	8th April, 1930	8th April, 1932	..	On itinerat- ing duty. Ditto.
138	Babu Hirday Ram ..	7th April, 1932	..	..
139	Babu Kunwar Kishen Handoo.	24th October, 1911.	1st April, 1930	15th April, 1931.	
140	M. Ali Jama Khan ..	3rd April, 1912	1st April, 1928	9th December, 1914.	
141	S. Kishen Singh ..	24th February, 1913.	.. Ditto ..	22nd October, 1924.	
142	M. Zahoor Ahmad Khan	8th January, 1907.	1st April, 1924	February, 1930.	
143	M. Muhammad Ahmad	13th April, 1932	..	1st March, 1933.	
144	S. Autar Singh ..	5th April, 1932	5th April, 1932	Ditto.	
145	M. Abdul Aziz Khan ..	17th October, 1932.	..	10th May, 1933.	
146	M. Fazal Karim II ..	1st August, 1911	1st April, 1927	2nd June, 1928.	
147	Babu Gur Bux Roy ..	2nd March, 1913	1st April, 1928	11th August, 1921.	
148	Babu Gobind Lal ..	15th September, 1896.	13th September, 1930.	28th December, 1928.	
149	Babu Kala Chand Dass	13th July, 1927	13th July, 1932	19th October, 1930.	
150	M. Sarafat Ullah Khan..	23rd April, 1917	23rd April, 1932	2nd July, 1932.	
151	M. Ghafurur Rahman Khan.	16th April, 1920	16th April, 1932	24th June, 1921.	
152	Babu Kunwar Bahadur	22nd August, 1925.	22nd August, 1932.	28th November, 1930.	
153	Babu Sachindra Nath Bhattacharyya.	21st September, 1928.	21st September, 1932.	1st December, 1930.	
154	M. Muhammad Habib Khan.	24th June, 1910	1st April, 1926	27th September, 1927.	
155	S. Murat Singh ..	28th September, 1922.	1st April, 1928	27th January, 1921.	
156	M. Bashir Ali Khan ..	23th April, 1912	Ditto ..	2nd March, 1929.	
157	M. Abdul Rahman Khan	*8th January, 1933.	..	8th January, 1933.	*Temporari- ly re-em- ployed.
158	Babu Krishna Sarup ..	12th December, 1906.	1st April, 1922	4th December, 1927.	
159	S. Ali Akhtar Jafri ..	4th December, 1929.	4th December, 1930.	..	On itinerat- ing duty.
160	S. Mushtaq Husain ..	10th April, 1924	10th April, 1932	June, 1925.	
161	M. Tufail Ahmad ..	19th May, 1924	19th May, 1932	19th May, 1930.	
162	M. Bashir Ahmad ..	18th October, 1927.	15th November, 1931.	3rd October, 1929.	
163	M. Ram Dutt Singh ..	8th June, 1929	8th June, 1932	..	
164	M. Muhammad Irtiza Qureshi.	25th April, 1907	1st April, 1923	17th August, 1929.	On itinerat- ing duty.
165	M. Muhammad Mian Khan.	19th July, 1920	19th July, 1932	2nd June, 1928.	
166	Babu Jagmender Dass..	19th August, 1919.	2nd April, 1931	5th July, 1932.	
167	M. Muhammad Umar ..	20th June, 1919	21st June, 1932	21st December, 1929.	
168	M. Amir Beksh ..	14th June, 1909	1st April, 1925	12th April, 1923.	

Serial no.	Names of veterinary assistant surgeons	Date of appointment	Date of last promotion	Date from which they are holding charge of the dispensaries	Remarks
169	Babu Suraj Narain Lal..	15th August, 1924.	15th August, 1932.	1st October, 1925.	
170	Babu Binda Prasad Trivedi.	5th April, 1932	..	16th July, 1932.	
171	M. Muhammad Aqil ..	26th September, 1908.	1st April, 1924	26th September, 1908.	
172	Sh. Abdul Hakim ..	10th April, 1928	10th October, 1932.	22nd August, 1929.	
173	M. Muhammad Mahmud Ansari.	7th January, 1915.	1st April, 1931	22nd June, 1920.	
174	M. Muhammad Abdulla Khan.	13th April, 1931	13th April, 1932	21st January, 1932.	
175	S. Ejaz Hussain ..	10th May, 1913	1st April, 1929	19th December, 1922.	
176	Babu Ram Prakash Sinha.	27th May, 1930	27th May, 1932	27th January, 1931.	
177	M. Muhammad Ilrifat Nabi.	1st May, 1931	1st May, 1932	22nd May, 1931.	
178	M. Nasirul Hasan Qadri	19th May, 1920	19th May, 1932	7th November, 1931.	
179	M. Muhammad Ibrahim	29th April, 1920	29th April, 1932	July, 1929.	

APPENDIX C

(See page 4, *supra*)

Statement referred to in the answer to starred question No. 12 for 27th June, 1933, asked by BABU RAM BAHADUR SAKSENA

Year				Number of complaints filed in the court of the Sub-divisional Magistrate, Kashipur (a)	Number of complaint cases dismissed under section 203, Civil Procedure Code (b)	Number of complaint cases decided finally (c)
1930	..	..	..	30	14	16
1931	..	..	..	25	13	12
1932	..	..	..	24	15	9

APPENDIX D

(See page 5, *supra*)

Statement referred to in the answer to starred question no. 14 for 27th June, 1933, asked by PANDIT SHRI SADAYATAN PANDE SAHIB

Name of grantee	Villages which have been granted free of revenue or from which remission of revenue has been sanctioned	Remarks
1. Jamadar Khairati Sinha of 27th Cavalry	1. Suga Rankh Khurd. 2. Hinauti.	
2. Jamadar Mathura Singh, 1st/99th Infantry.	1. Gamhirapur Nand-kishor. 2. Gamhirapur Raja. 3. Semari Khurd. 4. Babura Bhairodayal.	
3. Jamadar Sheikh Masad Ali. . .	1. Babura Bhairodayal. 2. Semari Khurd.	
4. Subedar Ramsudh Tewari of 1st Brahmins.	1. Baripur Kallumal. 2. Pachokhar Naraina.	
5. Jamadar Gopinath, Agarwala . .	1. Dubar Kalan. 2. Dubar Khurd.	
6. Jamadar Jwala Prasad Agnihotri of 1st Brahmins.	1. Amha. 2. Gananpatti. 3. Kohad no. II.	
7. Subedar Kishori Singh, I.M.D. . .	1. Tendui. 2. Rezkari. 3. Gamhirapur Raja. 4. Gamhirapur Nand-kishor.	
8. Subedar Hira Lal, I.M.D.	1. Pandaria Khurd.	
9. Subedar Mahadeo Prasad, Sub-Assistant Surgeon, I.M.D.	1. Khomar Maina. 2. Tharparsia. 3. Matari Kalan.	
10. Risaldar Baghubir Sinha of 27th Cavalry	1. Pakwar. 2. Hansra. 3. Baghaila. 4. Gangapur.	
11. Subedar Shivadarsan Tiwari . . .	1. Dubar Kalan. 2. Dubar Khurd. 3. Maina Gosain. 4. Chak Jahida.	
12. Subedar Bishundutt Dube of 1/89th Punjab.	1. Katai. 2. Dighiuli no. I.	
13. Subedar Jalpa Prasad Misir of 1/1st Brahmins.	1. Khomar. 2. Rampur. 3. Dubar Kalan. 4. Katiwar.	

Name of grantee	Villages which have been granted free of revenue or from which remission of revenue has been sanctioned	Remarks
14. Subedar Bali Tiwari of 1/1st Brahmans..	1. Kathwar. 2. Dubar Kalan.	
15. Rasaldar Farzand Ali, Khan Bahadur, of 6th Cavalry.	1. Dighuli. 2. Matkhani.	
16. Jamadar Himayat Ullah Khan of 5th Cavalry.	1. Dighuli.	
17. Subedar Hardayal Sinha	1. Gopalpur. 2. Raja Belha. 3. Belha.	
18. Jamadar Ashiq Ali of 36th Horse ..	1. Beskop.	
19. Risaldar Ram Charan Sinha of 1st Lancers.	1. Patehara Kalan.	
20. Subedar Rajbali Sinha of 1/95th Infantry.	1. Amoi. 2. Purwa. 3. Kataiya.	
21. Risaldar Major Asa Ram Bahadur of 1/1st Brahmans.	1. Patehara Kalan.	
22. Subedar Ram Harakh Misir of 1/1st Brahmans.	1. Nadgahna. 2. Baripur. 3. Naraina Kalan.	
23. Subedar Rahmat Ullah Khan of 1st Sappers and Miners.	1. Hansra. 2. Patewar.	
24. Subedar Ramayan Sinha	1. Gangapur. 2. Hinauta.	
25. Heir of Musammatt Sarupia, wife of Jamadar Attar Sinha.	1. Kanhaipur.	
26. Hony. Lieut. Surajmal Sardar ..	1. Kanhaipur.	
27. Risaldar Hargyan Sinha Bahadur, I.O.M., L.D.S.M., 14th Lancers.	1. Tulangi. 2. Ram Chandrapur.	
28. Hony. Lieut. Bahadur Muhammad Ayub Khan of 55th Silladar Camel Corps.	1. Tulangi. 2. Giruahi.	
29. Dr. Mohammad Raza Khan, I.M.D.	1. Pathraur. 2. Khauram Majhari ..	Has now got another grant at Allahabad in exchange of this.
30. Ialta Baksh Singh, S.O.S.M., of Sappers and Miners.	1. Khurda Raja. 2. Khurda Fande. 3. Chaterwar. 4. Khairahi. 5. Lalpur Geruahi. 6. Gopalpur.	
31. Sub Assistant Surgeon Tula Ram Joshi	1. Khairahi. 2. Patehara Beni Bahadur. 3. Ninwar Dakhin.	
32. Subedar Nohar Sinha of 1/95th Infantry	Cherni Ram and Cherni Ram Jai Lal.	
33. Risaldar Churnu Khan of 8th Cavalry	1. Kohad I. 2. Amha.	

Name of grantee	Villages which have been granted free of revenue or from which remission of revenue has been sanctioned	Remarks
34. Subedar Achai Dutt Sinha, I.M.B., of 19th Bhopal Infantry.	1. Raja Belha. 2. Belha.	
35. Jamadar Ganga Sinha of 2/94th Punjabis.	1. Jamai Dakhin.	
36. Risaldar Mohamed Raza Khan of 2nd Lancers.	1. Dhaurahra	Grant disposed of by public auction as the grantee has been awarded grant in the District of Rae Bareilly in exchange.
37. Risaldar Budhu Sinha of 5th Cavalry ..	1. Tilauli Kalan	
38. Tilak Sinha, heir of Jamadar Sughar Sinha.	1. Tilauli Kalan. 2. Barhi.	
39. Jamadar Shivanath Misra of 1/3rd Brahmans.	1. Mangraha. 2. Khotna.	
40. Lieut. Abdul Wahab Khan of 1/43rd Erampura Regiment.	1. Khutaha. 2. Ghorawal.	
41. Jamadar Surajpal Misir of 1/9th Bhopal Infantry.	1. Keota. 2. Keoli. 3. Khankh.	
42. Jamadar Suraj Prasad of 1/9th Bhopal Infantry.	1. Ghorawal.	
43. Hony. Lieut. and Subedar-Major Rukm Sinha of 13th Rajputs.	Pagia Bari	
44. Subedar Abdul Karim Khan of 1/99th Infantry.	1. Semari Misir. 2. Pande Pokhar.	
45. Jamadar Harbans Sinha, I.D.S.M., of 1/11th Infantry.	3. Phulwari. 1. Bisrekhi.	
46. Jamadar Mohammed Husain of 1st Gurkhas.	1. Bisundhari.	
47. Subedar Wahidyar Khan, I.M.D. ..	1. Hindubari. 2. Amoi.	
48. S. S. As. Rafiuddin Khan, I.M.D. ..	1. Ghorawal. 2. Bisrekhi.	
49. S. A. S. Parmanand Misir, I.M.D. ..	1. Dhaurahra. 2. Madainiyar.	
50. S. S. A. Abdul Ghafoor, I.M.D. ..	1. Tedhwa. 2. Sirwat.	
51. Sheikh Nurulla, I.M.D. ..	1. Sirwat.	
52. Subedar Ram Charan Pande of 1/1st Buffaloes.	1. Durh. 2. Kathpurwa.	
53. Subedar Ram Kumar Sinha of 1/97th Infantry.	3. Mahoba. 1. Keoli. 2. Khankh.	
54. Subedar Rustam Sinha of 1/2nd Rajputs	1. Khutaha.	
55. Subedar Agar Sinha of 1/7th D. C. Rajputs.	1. Keoli. 2. Khutaha. 3. Keota.	
Pandit Sri Sodayasam Pande, I.M.L. C., Special Magistrate, Allahabad.	Belkhandi.	
Pandit Beni Ram, Manager, Sargodha, Punjab.	Hassanpur, Pargana Pandua, District Benares, Mahal Parkash Kumar.	

APPENDIX E

(See page 6, *supra*)

Statement referred to in the answer to starred question no. 16 for 27th June, 1933, asked by SHAH NAZAR HUSAIN SAHIB.

Expenditure on repairs

Division			Year	Head-quarter houses	Forest rest houses	Sub-ordinate quarters
				Rs.	Rs.	Rs.
Saharanpur	..	..	1930-31	..	732	2,658
Ditto	..	..	1931-32	..	628	537
Dehra Dun	..	..	1930-31	421	1,484	2,797
Ditto	..	..	1931-32	368	2,367	1,778

APPENDIX F

(See page 6, *supra*)

Statement referred to in the answer to starred question no. 17 for 27th June, 1933, asked by SHAH NAZAR HUSAIN SAHIB.

Year	Name of division			Number of persons prosecuted for poaching	Number of persons convicted
1931	..	Dehra Dun	..	9	8
	..	Saharanpur	..	..	..
1932	..	Dehra Dun	..	12	10
	..	Saharanpur	..	2	1 Case still pending.

APPENDIX G

(See page 6, *supra*)

Statement referred to in the answer to starred question no. 19 for 27th June, 1933, asked by SHAH NAZAR HUSAIN SAHIB.

Division	Year	Motor roads and bridges	Cart roads and bridges
		Rs.	Rs.
Saharanpur	1930-31 ..	1,921	1,419
Distt.	1931-32 ..	691	1,265
Dehra Dun	1930-31 ..	6,838	3,825
Distt.	1931-32 ..	6,320	3,810

APPENDIX H

(See page 14, *supra*)

Statement showing the sums realized in 1932 from the litigants in the High Court and Chief Court, referred to in answer to starred question no. 41 for 27th June, 1933, asked by MUNSHI GAJADHAR PRASAD

Court.	Court fees	Cost of translation and printing in—		Cost of summoning the records from the courts below	Fees deposited for inspection of records
		First appeals	Second appeals		
	Rs. a.	Rs. a.	Rs. a.	Rs.	Rs.
High Court ..	2,86,503 0	(a) 47,410 0	(a) 892 0	1,646	7,071
Chief Court ..	76,259 6	43,765 8	4,351 9	78	1,390

(a) These figures represent the cost of translation only. Figures for the cost of printing are not easily available.

APPENDIX I

(See page 16, *supra*)

Statement referred to in the answer to starred question no. 44 for 27th June, 1933, asked by
RAI SAHIB LALA ANAND SARUP

1338 Fasal				1339 Fasal						A. D. 1905	
Rent		Revenue		Rent		Revenue including progressive enhancement		Amount of progressive enhancement made in 1339 Fasal	Remission out of amount in column 9	Rental demand	Revenue demand
Demand	Remission	Demand	Remission	Demand	Remission	Demand	Remission				
1	2	3	4	5	6	7	8	9	10	11	12
Rs. 53,74,194	Rs. 17,50,030	Rs. 19,81,402	Rs. 4,48,742	Rs. 50,91,012	Rs. 14,09,883	Rs. 20,29,850	Rs. 4,11,705	Rs. *47,067	Rs. 8,940	Rs. 31,91,000	Rs. 15,60,855

* Includes Rs.1,154 enhancement due to short-term settlements.

APPENDIX J

(See page 17, supra)

Statement referred to in the answer to unstarred question no. 5 asked by KHAN BAHADUR MUHAMMAD HADIYAR KHAN on 27th June, 1933.

S. no.	Name of institution
1	Government Training College, Allahabad.
2	Government Intermediate College, Almora.
3	Government Normal School, Almora.
4	King George's Government High School, Lansdowne (Garhwal).
5	Government High Schools, Naini Tal, Srinagar (Garhwal), Ballia, Orai (Jalaun District), Cawnpore, Lalitpur (Jhansi District) and Banda.
6	Government War Memorial Anglo-Vernacular Middle School, Karanprayag (Garhwal).
7	Government Central Training School, Faridnagar (Meerut District).
8	Government Vernacular Schools for Girls at Bijnor Chah Shirin no. 1, Mainpuri, Sandila (Hardoi District), Tilhar (Shahjahanpur District), Partabgarh, Jaunpur, Ghazipur, Azamgarh, Mau, Ballia, Bangsaon (Gorakhpur District), Orai (Jalaun District) and Talbehat (Jhansi District).
9	Shiv Nath Singh Government Anglo-Vernacular School for Girls, Ghazipur.

APPENDIX K

(See page 18, *supra*)

Papers referred to in the answer to unstarred question no. 8 for the Council meeting of 27th June, 1933, asked by Khan Bahadur Maulvi Muhammad Fazl-ur-Rahman Khan.

I

No. 7963/AS/IX—12, dated the 18th February, 1932

(Farm Overseer, Madhurikund)

Please refer your report no. 1318, dated the 20th January, 1932, in regard to losses incurred in the lorry accident on 12th November, 1931, and note that Ali Muhammad, driver, is reduced from Rs.25 to Rs.20 per month with effect from 27th January, 1932, and the following amount will be recovered from his pay and credited to this office as soon as possible and he may be warned that if any similar instance occur again he will be dismissed from service :

				Rs. a. p.
(1) Cost of milk wasted 92½ lb.	..	..	..	4 5 6
(2) Cost of new hose pipe fitted	..	..	..	1 8 0
(3) Repair charges of hood ..	..	..	..	1 0 0
(4) Cost of front glass ..	..	..	..	5 0 0
(5) Cost of extra petrol and mobile oil consumed in big lorry used instead of small one—				
(a) Petrol 4½ gallons at Re. 1-10 per gallon	..	..	..	7 5 0
(b) Mobile oil 17/24 gallon at Rs.2 per gallon	..	..	..	2 0 0
Total	..	..	..	<u>21 2 6</u>

Order

The explanation of M. Ali Muhammad, motor driver, in connexion with his motor lorry collision with Bombay, Baroda and Central India Railway level crossing gate at mile 208/6 between Raya and Mursan as per letter no. E/6/4—44, dated the 29th March, 1932, from the Executive Engineer, Bombay, Baroda and Central India Railway, Fatehgarh, is very unsatisfactory. He might have run his lorry into a train and caused a bad accident. He is severely reprimanded, if there are any further serious complaints regarding his work he will be discharged. Enter this in his character roll and communicate.

C. H. PARR,

Deputy Director.

II

Severely reprimanded for submitting a false report about bull no. 68/1913 which died several years ago. *He is reduced Rs.5 for six months

Communicated, *vide* no. 2451, dated the 11th September, 1931.

10th September, 1931.

RAZA HUSAIN.

* M. Abdul Qudus.

APPENDIX L

Bill referred to in the speech of PANDIT JOTI PRASAD UPADHYAYA at page 20 supra

A

BILL

(To amend the Agra University Act no. VIII of 1926)

United Pro-
vinces Act
VIII of 1926.

WHEREAS it is expedient to amend the Agra University Act, 1926, for the purpose hereinafter appearing : It is hereby enacted as follows :

1. This Act may be called the Agra University (Amendment) Act, 1937 .

Amendment
of section 2
of United
Provinces
Act VIII of
1926.

2. After sub-clause (f) of section 2 of the Agra University Act, 1926, the following new sub-clause (g) shall be inserted and the existing sub-clause (g) shall be marked (h):

“(g) ‘Inspecting officers in the Department of Education means persons engaged permanently as inspecting officers by (a) the Department of Public Instruction, United Provinces, or (b) the Education Department of Gwalior or an Indian State in Rajputana or Central India, or (c) the Ajmer Administration, or (d) the Central India Agency.’”

Amendment
of section 4
of United
Provinces
Act VIII of
1926.

3. After sub-clause (b) of sub-section (2) of section 4 of the Agra University Act, 1926, the following new sub-clause (c) shall be inserted, and the existing sub-clauses (c) and (d) shall be marked (d) and (e) respectively :

“(c) are inspecting officers in the Department of Education and fulfil the conditions laid down in the Statutes and Regulations and have passed the examinations of the University under like conditions, or”.

LEGISLATIVE COUNCIL UNITED PROVINCES OF AGRA AND OUDH

Wednesday, the 28th June, 1933.

THE Council met at "Old Sherwood" (Government House grounds), Naini Tal, at 11 a.m. The Hon'ble Sir Sita Ram in the Chair.

PRESENT (89)

The Hon'ble Mr. E. A. H. Blunt.	Mr. Brijnandan Lal.
The Hon'ble Kunwar Jagdish Prasad.	Rao Narsingh Rao.
The Hon'ble Nawab Sir Muhammad Yusuf.	Chaudhri Ram Adhin.
The Hon'ble Mr. J. P. Srivastava.	Mr. Bhondu Ram.
Mr. J. M. Clay.	Chaudhri Bharos.
Mr. J. L. Sathe.	Pandit Shri Sadayatan Pande.
Mr. P. Mason.	Raja Sri Krishna Dutt Dube.
Mr. P. M. Kharegat.	Rai Sahib Rajeshwari Prasad.
Mr. H. A. Lane.	Babu Adya Prasad.
Mr. J. J. W. Allsop.	Rai Bahadur Thakur Shiva Pati Singh.
Mr. A. H. Mackenzie.	Thakur Giriraj Singh.
Mr. H. J. Frampton.	Pandit Prem Ballabh Belwal.
Rai Bahadur Pandit Suraj Din Bajpai.	Thakur Jang Bahadur Singh Bisht.
Rai Bahadur Babu Phul Chand Mogha.	Pandit Brahma Dutt <i>alias</i> Bhaiya Sahib.
Khan Bahadur Saiyid Ain-ud-din.	Thakur Muneshwar Bakhsh Singh.
Saiyid Abdul Hasan.	Raja Birendra Bikram Singh.
Mr. Hari Kishen Mathur.	Mr. C. Y. Chintamani.
Mr. D. L. Drake-Brockman.	Rai Rajeshwar Bali.
Mr. S. T. Hollins.	Mr. Zahur Ahmad.
Mr. M. Masud Ali Khan.	Syed Ali Zaheer.
Mrs. Kailash Srivastava.	Khan Bahadur Mr. Muhammad Abdul Bari.
Khan Bahadur Maulvi Fasih-ud-din.	Syed Yusuf Ali.
Mr. E. Ahmad Shah.	Khan Bahadur Muhammad Maqsum Ali Khan.
Rai Sahib Babu Rama Charana.	Shah Nazar Husain.
Mr. Perma.	Captain Nawab Muhammad Jamshed Ali Khan.
Rai Bahadur Babu Awadh Bihari Lal.	Mr. Muhammad Rahmat Khan.
Chaudhri Ram Dayal.	Khan Bahadur Haji Muhammad Obaidur Rahman Khan.
Chaudhri Jagannath.	Khan Bahadur Muhammad Hadiyar Khan.
Chaudhri Baldeva.	Khan Bahadur Hafiz Hidayat Husain.
Rai Sahib Sahu Jwala Saran Kothiwala.	Khan Bahadur Maulvi Saiyid Habibullah.
Mr. Tappu Ram.	Khan Bahadur Shaikh Ghulam Husain.
Pandit Moti Lal Bhargava.	Khan Bahadur Saiyid Jafer Hosain.
Chaudhri Ram Chandra.	Shaikh Afzal-ud-din Hyder.
Chaudhri Ghasita.	Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan.
Chaudhri Arjun Singh.	Khan Bahadur Sirdar Muhammad Shakirdad Khan.
Rao Bahadur Thakur Pratap Bhan Singh.	Khan Sahib Muhammad Imtiaz Ahmad.
Kunwar Girwar Singh.	Shaikh Muhammad Habibullah.
Pandit Joti Prasad Upadhyaya.	Chaudhri Muhammad Ali.
Chaudhri Dhirya Singh.	Rai Bahadur Kunwar Bisheshwar Dayal Seth.
Rai Sahib Kunwar Dhakan Lal.	Raja Jagannath Bakhsh Singh.
Thakur Balwant Singh Gahlot.	Rai Bahadur Babu Vikramajit Singh.
Rai Bahadur Mr. Brij Lal Badhwar.	Munshi Gajadhar Prasad.
Rao Bahadur Kunwar Sardar Singh.	
Babu Ram Bahadur Saksena.	
Babu Kamta Nath Saksena.	
Kunwar Jagbhan Singh.	
Thakur Keshava Chandra Singh.	

QUESTIONS AND ANSWERS

STARRED QUESTIONS

FORFEITURES, ARRESTS AND CONVICTIONS IN CONNEXION WITH
CIVIL DISOBEDIENCE MOVEMENT

*1. **Thakur Ram Pal Singh** (*absent*): Will the Government be pleased to state the—

(a) number of Congress offices, Congress *ashrams*, hospitals, libraries and *Khaddar Bhandars* confiscated by the Government so far since 1930 up to March 15, 1933,

(b) number of other buildings so confiscated, and

(c) number of buildings subsequently returned?

The Hon'ble the Finance Member (Mr. E. A. H. Blunt):

(a) None in 1930 and 1931.

Government took possession of 179 congress offices, eleven congress *ashrams*, two hospitals and three *bhandars* during 1932.

None in 1933 so far.

(b) None.

(c) Ninety-two congress offices, five *ashrams*, three *bhandars* and one hospital have been returned so far.

*2. **Thakur Ram Pal Singh** (*absent*): Will the Government be pleased to state the—

(a) total number of arrests in connexion with the Civil Disobedience Movement since 1930 up to March 15, 1933.

(b) number of arrested persons released without trial,

(c) number of persons acquitted,

(d) total number of persons convicted,

(e) number of persons convicted for activities relating to no-rent campaign,

(f) number of Hindus, Muhammadans, Christians, Parsis and ladies arrested and convicted,

(g) number of convictions in each district, and

(h) number of persons undergoing imprisonment?

The Hon'ble the Finance Member:

(a) and (b) Government regret that they have no information as to the number of arrests and the number of arrested persons released without trial.

(c) 907 up to the end of May, 1933.

(d) 25,523 up to the end of May, 1933.

(e) 3,441 up to the end of May, 1933.

(f) Government have no information as to the number of arrests. They have not the figures of convictions classified according to religion for the years 1930 and 1931, but the total number of convictions during those years was 10,736 which included 99 women. For the years 1932 and 1933 up to the end of May, 1933 the total convictions were 14,787 which included 670 women and 140 Muslims. Separate figures as regards Christians and Parsis are not available.

(g) A statement is laid on the table.

(See Appendix A, page 144.)

(h) 1,809 on 1st June, 1933.

*3. **Thakur Ram Pal Singh** (*absent*): Will the Government be pleased to state the—

(a) number of places searched in connexion with the Civil Disobedience Movement since 1930 up to March 15, 1933, and

(b) number of searched places from where objectionable matter was recovered?

The Hon'ble the Finance Member :

(a) 1,265.

(b) 633.

*4. **Thakur Ram Pal Singh** (*absent*): Will the Government be pleased to state the—

(a) total amount of fine imposed on persons convicted in connexion with Civil Disobedience Movement since 1930 up to March 15, 1933,

(b) total amount of fines realized,

(c) amount of maximum fine imposed,

(d) total number of attachments for the purposes of realizing fines, and

(e) number of persons declared as absconders and as also those of them whose properties have been attached?

The Hon'ble the Finance Member :

(a) Rs.6,87,554-4-0.

(b) Rs.1,89,396-1-2.

(c) Rs.3,210.

(d) 6,865.

(e) (i) 45, (ii) 8.

*5. **Thakur Rampal Singh** (*absent*): Will the Government be pleased to state—

(a) the number of places at which additional police has been kept to check the Civil Disobedience Movement since 1930, and

(b) the amount of punitive tax that has been imposed on the residents of those localities?

The Hon'ble the Finance Member : A statement is laid on the table.

(See Appendix B, page 146.)

*6. **Thakur Rampal Singh** (*absent*): Will the Government be pleased to state the—

(a) number of presses from which security was demanded since 1930,

(b) amount of security forfeited by the Government from newspapers and printing presses, and

(c) number of presses confiscated by the Government or closed for not furnishing security?

The Hon'ble the Finance Member :

(a) Seventy-seven.

(b) Nil.

(c) (1) The Vartman Press, Cawnpore, was forfeited in 1930.

(3) Forty-seven presses were closed as a result of security being demanded.

*7. **Thakur Rampal Singh** (*absent*): Will the Government be pleased to state the—

(a) number of boys under 16 years sent to jail for taking part in the Civil Disobedience Movement since 1930,

(b) number of boys sent to reformatories,

(c) number of boys under 16 years sentenced to be flogged by Magistrates, and

(d) number of parents punished for the offences of their minor sons?

The Hon'ble the Finance Member :

(a) 383.

(b) 21.

(c) 96.

(d) 16.

*8. **Thakur Rampal Singh** (*absent*): Will the Government be pleased to state the number of ejectments of tenants from their holdings through court processes, in the years 1930, 1931 and 1932 in the districts of Allahabad, Rae Bareli, Unao, Etawah and Cawnpore?

The Hon'ble the Finance Member : A statement is laid on the honourable member's table.

(See Appendix C, page 146.)

*9. **Thakur Rampal Singh** (*absent*): Will the Government be pleased to state the—

(a) number of persons convicted for Civil Disobedience activities and then later released on tendering apology since 1930,

(b) number of such released persons who actually applied for release and also number of persons who were let off by the Government themselves.

The Hon'ble the Finance Member :

(a) 1,638.

(b) 1,638 and 515.

These figures do not include the prisoners released at the general amnesty of March, 1931.

*10. **Thakur Rampal Singh** (*absent*) : Will the Government be pleased to state the—

(a) number of persons convicted for Civil Disobedience activities who died in jail since 1930,

(b) number of persons released from jail on medical grounds,

(c) number of political prisoners flogged in jails for jail indiscipline with their age, educational qualifications, social status and number of stripes.

(d) number of political prisoners prosecuted under section 52 of the Prisons Act and how many of such prisoners were acquitted or convicted, and

(e) total number of hunger-strikers and the maximum duration of their hunger-strike?

The Hon'ble the Finance Member :

(a) 15.

(b) 134.

(c) The number is 89. A list is placed on the table giving the other information required in so far as it is available.

(See Appendix D, page 147.)

(d) 198 prosecuted.

190 convicted.

7 acquitted.

One pending.

(e) The total number is 2,144. As regards the other information required, Government is not sure whether the honourable member requires the total of all the periods of hunger-strike to the longest period of any single hunger-strike and some of the jail authorities seem to have taken the question in one sense, whilst others have taken it in the other. If the honourable member will state his meaning more precisely, the information will be supplied.

*11. **Thakur Rampal Singh** (*absent*) : Will the Government be pleased to state the—

(a) number of meetings and processions banned under section 144 in connexion with the Civil Disobedience Movement since 1930 up to 15th March, 1933.

(b) number of times such banned processions, meetings and other assemblies were dispersed by force, and

(c) number of times the police or military opened fire or resorted to *lathi* and baton charges for dispersing unlawful assemblies with their places of occurrence and number of casualties?

The Hon'ble the Finance Member : (a) Five hundred and thirty-seven. In addition a few orders in Cawnpore and 40 orders in other districts of a general nature were issued.

(b) Two hundred and nineteen.

(c) A statement is laid on the table.

(See Appendix E, page 149.)

***12. Thakur Rampal Singh (absent) :** Will the Government be pleased to state the number of persons who were awarded sentences of whipping with social status, educational qualification, age and number of stripes awarded since 1930?

The Hon'ble the Finance Member : One hundred and eight persons were sentenced to whipping during the period mentioned. They were all persons of ordinary position, most of them being illiterate whilst a few knew a little Hindi. The ages of the persons sentenced are reported to have been between 8 and 20 years and the number of stripes awarded between 5 and 30.

CLERICAL STAFF OF THE INSPECTOR OF SCHOOLS, LUCKNOW DIVISION

13. Kunwar Girwar Singh (absent) : (1) Will the Government be pleased to state the names, qualifications and the length of services of the second and third clerks in the office of the Inspector of Schools, Lucknow Division?

(2) Will the Government also be pleased to state as to which of the two clerks is senior now in the Inspector's office?

(3) Is it a fact that the senior clerk has been made a junior clerk and the junior clerk has been made senior clerk in the Inspector's office?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava) :

Name	Qualifications	Commencement of service
(1) (a) M. Sharafuddin	Matric	4th November, 1915.
(b) B. Mahabir Prasad	School Final	1st July, 1910.
(2) M. Sharafuddin		
(3) No.		

***14-16. Mr. Zakur Ahmad :** (Withdrawn).

MR. L. G. LYDE, CITY MAGISTRATE OF CAWNPORE

*17. **Mr. Dahari** (*absent*) : (a) Is it a fact that in spite of the presence of other senior Magistrates in Cawnpore Mr. L. G. Lyde has been put in charge of the City of Cawnpore ?

(b) What are the reasons that actuated the authorities to do so ?

(c) Will the Government please state the number of cases that the said City Magistrate tried during his regime of office as City Magistrate ?

The Hon'ble the Finance Member : (a) Mr. Lyde was in charge of the Cawnpore City.

(b) Administrative convenience. Under paragraph 804 of the Manual of Government Orders power of appointing sub-divisional magistrates have been delegated to the District Magistrate.

(c) Mr. Lyde tried 899 cases as City Magistrate.

*18. **Mr. Dahari** (*absent*) : (a) How many cases tried by the present City Magistrate of Cawnpore since his appointment were of civil disobedience movement and how many of them were of other political offences ?

(b) How many cases of non-political nature did he try ?

(c) Will the Government be pleased to state the number of cases in which a transfer application has been made in his court ?

(d) How many cases have been actually transferred from his court ?

(e) Will the Government please inform the number of cases tried by him in which appeals and revisions have been filed against his judgment ?

(f) In how many cases such appeals and revisions have been allowed ?

(g) In how many cases orders for re-trial and re-examination have been passed against the orders of the said Magistrate ?

(h) Will the Government name the number of such cases and the names of such accused who have been sentenced to flogging in addition to imprisonment ?

(i) In how many cases only flogging has been ordered ?

(j) What are the ages of such accused and what are the nature of their offences as have been sentenced to flogging ?

(k) In how many other districts of the United Provinces flogging has been resorted to under similar circumstances ? What are the names of such Magistrates who ordered flogging ?

(l) Is it also a fact that the authorities at Cawnpore have received instructions not to sentence political offenders for flogging and in spite of such instructions the said Magistrate persists in sentencing people for flogging ?

(m) Is it a fact that an order has been posted on the notice board of his room that the court time is between 10 a.m. to 4 p.m. ?

(n) Will the Government consider the desirability of transferring this gentleman from Cawnpore ?

The Hon'ble the Home Member (Kunwar Jagdish Prasad) : When this question was received by Government, the particular City Magistrate of Cawnpore whom the honourable member had presumably in mind, had already proceeded on eight months' leave. If the honourable member still desires to have information in regard to the matters tabled in the question, I shall obtain it.

APPOINTMENT OF MUSLIMS IN EDUCATIONAL INSTITUTIONS

***19. Khan Bahadur Muhammad Hadiyar Khan :** (a) With reference to answer to question no. 1 (1) and (2) of 24th March, 1933, will the Government be pleased to state the reason for the number of Muhammadans being so low ?

(b) Why was this deficiency not made up ?

The Hon'ble the Minister for Education : (a) Paucity of senior Muslim officers.

(b) Does not arise.

***20. Khan Bahadur Muhammad Hadiyar Khan :** Do the Government propose to take any action to increase the number of Muslim professors in training colleges ?

The Hon'ble the Minister for Education : The honourable member is referred to the statement made by me on this matter on 8th March, 1933, in the course of the debate on the Education budget.

***21. Khan Bahadur Muhammad Hadiyar Khan :** (a) What was the total number of head masters of Government schools in 1922 ?

(b) What was the total number of Muhammadan head masters in 1922 ?

The Hon'ble the Minister for Education : (a) Fifty-nine.

(b) Five.

***22. Khan Bahadur Muhammad Hadiyar Khan :** (a) Will the Government please state the number of head masters who have been taken from the special subordinate service ?

(b) What were their numbers according to the grade list ?

(c) Was there any Muhammadan who was above them in the grade list ?

(d) Was he taken or passed over ?

(e) If passed over, why ?

The Hon'ble the Minister for Education : (a) Three.

(b) Presumably by "grade list" the honourable member means the list showing order of seniority in the Subordinate Educational Service. If so, the answer is : 84, 85, 92.

(c) No.

(d) Does not arise.

(e) Does not arise.

***23. Khan Bahadur Muhammad Hadiyar Khan :** (a) Will the Government please state if there were some principals and head masters who were debarred from further promotion and afterwards this bar was removed and they were promoted, during the last 15 years ?

(b) If the answer be in the affirmative, what were the causes for which they were so barred ?

The Hon'ble the Minister for Education : (a) None was debarred.

(b) Does not arise.

VILLAGE PANCHAYATS

***24. Babu Ram Bahadur Saksena :** Will the Government be pleased to state :

(a) what is the total number of criminal cases tried by the village panchayats during the year ending 31st March, 1933 ;

(b) how many (to the extent this information is available) of them were cases of theft and how many related to the theft of the standing crop ;

(c) how many of the cases referred to in (a) and (b) were compounded, how many ended in acquittal and how many in conviction ?

***25. (a)** How many applications under section 71 of the United Provinces Village Panchayats Act were filed in the courts of the district magistrates during the year ending 31st March, 1933 ?

(b) Did the district magistrates make any further inquiries by themselves or through their subordinates, in any of such applications ? If so, what is the total number of cases where such an inquiry was made ?

(c) How many cases of theft (where the value of the subject matter was under Rs.20) were tried by stipendiary and honorary magistrates during the said year ?

The Hon'ble the Minister for Local Self-Government (Nawab Sir Muhammad Yusuf) : These questions involve a somewhat complicated and laborious inquiry and Government regret that the required information is not yet completed.

Babu Ram Bahadur Saksena : Will it be possible to give an answer to these questions at some future date ?

The Hon'ble the Minister for Local Self-Government : I hope so.

LITERARY READERS FOR VERNACULAR AND ANGLO-VERNACULAR SCHOOLS

***26. Babu Ram Bahadur Saksena :** (a) How many sets of Literary Readers in Hindi and Urdu for Classes V, VI and VII of Vernacular Middle Schools were submitted to the Education Department in the year 1933 ?

- (b) How many of them were sent to the reviewers ?
- (c) Did the reviewers unanimously recommend any of these sets ? If so, which of them ?
- (d) Were there any sets which received favourable reviews by two reviewers ? If so, which ?
- (e) Which of the sets were recommended by the Hindi Sub-Committee of the Vernacular Board for approval ?
- (f) Did the Vernacular Board approve of the recommendations of the Hindi Sub-Committee ? If not, for what reasons ?
- (g) Is it a fact that finally only two new sets out of the 25 sets submitted, were approved by the Department ?
- (h) How many reviews on these two approved sets were favourable and what is the decision of the sub-committee with regard to them ?
- (i) Is it a fact that recommendations of all other sub-committees of the Vernacular Board with regard to the selection of books were accepted by the Government *in toto* ?
- (j) Will the Government be pleased to state the reasons for which the recommendations of the Hindi Sub-Committee were not accepted ?

The Hon'ble the Minister for Education : (a) The honourable member presumably refers to the readers submitted in 1932; if so, the answers are—

(i) Hindi	..	..	..	..	20
(ii) Urdu	..	..	..	..	15

(b) All.

(c) Yes. A list is placed on the honourable member's table.

(See Appendix F, page 154.)

(d) Yes. A list is placed on the honourable member's table.

(See Appendix G, page 155.)

(e) A list is placed on the honourable member's table.

(See Appendix H, page 156.)

(f) No. The Board of Vernacular Education, United Provinces, found that some of the readers contained objectionable passages and transmitted the recommendations of the committee to the Director of Public Instruction with the recommendation that the committee's recommendations be not accepted and that the department should re-examine the books and itself make the necessary changes in the list of books approved.

(g) Yes. Out of 20 sets. But the department selected, in addition, 7 sets for further consideration, conditionally on objectionable passages being removed; a final selection will be made from these this year.

(h) One in respect of each of the two sets. One was rejected by the Book Committee; the other was recommended by it.

(i) No.

(j) The honourable member is referred to the reply given to part (f).

Mr. C. Y. Chintamani : With reference to answer to clause (f) will the Hon'ble Minister state if copies of the books were supplied to all the members of the Board ?

The Hon'ble the Minister for Education : Yes.

Mr. C. Y. Chintamani : Will the Hon'ble Minister state what is the position of the Committee referred to in the answer to that clause ?

The Hon'ble the Minister for Education : The Committee consisted of three persons. I could not give the names off-hand.

Mr. C. Y. Chintamani : Will the Hon'ble Minister state if any of these persons are non-officials or they are all officers of the Education department ?

The Hon'ble the Minister for Education : They are all officials.

Mr. C. Y. Chintamani : Will the Hon'ble Minister state if then it is the position that the committee which examines the books consists of officials, all of whom are officers of the department and, therefore, subordinate to the Director and virtually the decision is left to the Director and his subordinates ?

The Hon'ble the Minister for Education : No, the implication is wrong. These readers were rejected by the Board and the Director of Public Instruction was left to examine the objectionable passages and then to act accordingly. He did not act on his own, but appointed a committee of three persons in order to advise him.

Mr. C. Y. Chintamani : Why was no non-official member included in that committee ?

The Hon'ble the Minister for Education : The Vernacular Board left the whole thing to the Director of Public Instruction. He was not required to appoint a committee at all.

Mr. C. Y. Chintamani : Why did not the Director include a single non-official member in that committee ?

The Hon'ble the Minister for Education : He wanted expert advice and he naturally appointed men that he had near him.

Mr. C. Y. Chintamani : Does the Hon'ble Minister suggest that there is no single expert, to quote his words, or a single man amongst the entire body of the non-official members to pronounce upon the objectionable nature or otherwise of the passages of those books ?

The Hon'ble the Minister for Education : I do not mean that at all.

Mr. C. Y. Chintamani : Then what does he mean.

The Hon'ble the Minister for Education : It was irrelevant whether they were non-officials or officials. As I have repeatedly stated the Vernacular Board left the whole thing to the Director of

Public Instruction. There was no question of a committee at all, but the Director of Public Instruction thought he must have opinion from others and he sought the help of these three gentlemen. That is all.

Mr. C. Y. Chintamani : If the Hon'ble Minister will read the answer which he himself read, he will find that there was a committee, and it was the committee's recommendation which the Board reconsidered. It is not a fact that there was no committee and that the Board left it to the Director. There is a great discrepancy between the answer to the supplementary question and the answer to the original question.

The Hon'ble the Minister for Education : It seems to me that there is some confusion in the mind of the honourable member. The word "Committee in line 4 of the answer refers to the Text Book Committee whose recommendation was criticized by the Board of Vernacular Education and then it was left to the Director of Public Instruction to re-examine those books, and he was not required to appoint another committee. The whole thing was left to the Director as it states here in the answer.

Mr. C. Y. Chintamani : Whatever the conclusion be in the Hon'ble Minister's mind or my mind, will the Hon'ble Minister note that I never said that the Board wanted a director to be appointed on the committee. I refer to the committee mentioned in line 4. Will the Hon'ble Minister state why the committee referred to by him did not include any non-official member; and whatever the cause might be, will the Hon'ble Minister give an assurance that in future whenever a committee is appointed, the non-official members will not be overlooked?

The Hon'ble the Minister for Education : The committee referred to in line 4 did include non-officials.

Mr. C. Y. Chintamani : Will the Hon'ble Minister answer my latest question, whether he will take action that in the appointment of any committees hereafter care shall be taken that the committee shall not include only officials, but non-official members of the Board also?

The Hon'ble the Minister for Education : Well, at least every committee that I can think of includes non-officials.

Mr. C. Y. Chintamani : I am referring to committees of this Board.

The Hon'ble the Minister for Education : Every one of these committees includes non-officials. I make that statement emphatically.

Khan Bahadur Saiyid Jafer Hosain : Are there non-officials in the various text-book committees?

The Hon'ble the Minister for Education : Yes, there are non-officials in every text-book committee.

Khan Bahadur Saiyid Jafer Hosain : Since when?

The Hon'ble the Minister for Education : Since they were constituted.

Khan Bahadur Saiyid Jafer Hosain : When was that ?

The Hon'ble the Minister for Education : I think two or three years ago.

Mr. C. Y. Chintamani : Will the Hon'ble Minister give an assurance that when the Director sets up any committee to examine books or important passages in books, he will not limit the personnel to officials, as he did on the last occasion, but that he will include non-official members of the Board ?

The Hon'ble the Minister for Education : I have already explained that the committee referred to by the honourable member was not a regularly constituted committee. It was a body of three men just to help the Director. I suppose he was too busy and he could not read through all the books. The matter was left entirely to the Director and we could not prevent him from taking the help of any one he liked in dealing with a certain matter which is left to him. Usually all the regular committees of the department and of the Vernacular Board have got non-officials on them, and I at least do not remember of any committee which does not contain non-officials.

Mr. C. Y. Chintamani : Will the Hon'ble Minister be pleased to state whether he accepts the suggestion that in future whenever any committees are set up by the Director, he should be asked to take the assistance also of non-official members and not only of official members.

The Hon'ble the President : However, I think we may as well pass on now.

***27. Babu Ram Bahadur Saksena :** (a) Did the Education Department invite Literary Readers for Classes III and IV of the Vernacular and Anglo-Vernacular Schools in the year 1933-34 ? If so, has selection been made. If not, why ?

(b) Is the curriculum for the Literary Readers of Vernacular and Anglo-Vernacular Schools the same ?

(c) Is it a fact that the books approved for class V of the Anglo-Vernacular Schools were approved for classes III and IV of the Vernacular Schools also ?

(d) Did the Department invite new Literary Readers for classes III and IV of the Vernacular and Anglo-Vernacular Schools in the year 1933 ?

(e) Is the Department going to introduce these books or is it the intention of the Government to continue books which had already been in the course for more than five years ?

The Hon'ble the Minister for Education : (a) No. The other parts do not arise.

(b) No.

(c) No.

(d) No.

(e) Does not arise.

POLITICAL PRISONERS IN BAREILLY JAIL

*28. **Rai Bahadur Thakur Hanuman Singh** (*absent*): (a) With reference to answer to starred question no. 9, dated the 6th March, 1933 (1) what is the result of the magisterial inquiry and (2) why was Jaimal classified as a habitual and by whom?

(b) Has Government taken any steps in this connexion? If so, what?

The Hon'ble the Home Member: (a) (1). As a result of the magisterial inquiry Rahim Bakhsh was sentenced under sections 326 and 324 of the Indian Penal Code to rigorous imprisonment for a period of two years on each count, the sentences to run concurrently and Pyare, Jumman Khan and Sher Khan were each sentenced to rigorous imprisonment for a period of six months under section 324 read with section 109 of the Indian Penal Code.

(2) Jaimal was classified as a habitual by the mistake of the court concerned.

(b) The Government has issued a circular letter to all District Magistrates emphasising the importance of the correct classification of prisoners and requesting them to bring to the notice of all Magistrates the relevant rules on the subject, namely, the rules in paragraphs 241 and 242 of the Jail Manual.

*29. **Rai Bahadur Thakur Hanuman Singh** (*absent*): With reference to answer to starred question no. 31 of 31st March, 1933, why were the ten political prisoners classed habitual and by whom? What action (if any) has Government taken in this matter?

The Hon'ble the Home Member: Two of the ten prisoners were rightly classified as habituals because they were detained in prison under section 123 read with section 109 or section 110, Criminal Procedure Code. The remaining eight were wrongly classified. The Government has issued a circular letter to all District Magistrates emphasising the importance of correct classification of prisoners and requesting them to bring to the notice of all Magistrates the relevant rules on the subject namely, the rules in paragraphs 241 and 242 of the Jail Manual. Mistakes in classification may have been due to the fact that the form of classification made a reference to paragraphs 470 and 472 of the Jail Manual which no longer deal with the classification of prisoners. The form has now been corrected.

MAGISTERIAL INQUIRY REGARDING PERSONATION BY BABU GOKAL CHAND KAPOOR, HONORARY MAGISTRATE, BENARES

*30. **Kunwar Jagbhan Singh** (*absent*): Will Government be pleased to state the result of the magisterial inquiry with regard to an alleged personation by Babu Gokal Chand Kapoor, Honorary Magistrate, Benares, in September or October, 1932?

The Hon'ble the Home Member: No such magisterial inquiry as is referred to by the honourable member was held.

*31. **Khan Bahadur Maulvi Fasih-ud-din**: [*Withdrawn.*]

***32. Rai Sahib Babu Rama Charana :** [*Postponed at the request of Government.*]

MINISTERIAL ESTABLISHMENT OF THE BUDAUN JUDGE'S COURT

***33. Rai Bahadur Babu Vikramajit Singh :** (a) Is it a fact that the present munsarim of the Budaun Judge's Court has exceeded the age of 55 years ?

(b) Is it a fact that the District Judge of Budaun has given him an extension in spite of the Government orders on the subject ?

(c) Is it a fact that he has refused to grant an extension to other officials on the ground of the orders of the Government on the subject ?

The Hon'ble the Home Member : (a) No.

(b) Yes, but this is in accordance with Fundamental Rule 56 (b), which permits of a ministerial officer being retained in service up to the age of 60 years if otherwise efficient.

(c) No.

***34. Rai Bahadur Babu Vikramajit Singh :** (a) Is it a fact that the translator of the Judge's Court of Budaun has been appointed as a record-keeper as his post has been retrenched ?

(b) Is it a fact that the translator is getting the higher pay of the post which has been brought under retrenchment and will continue to get that pay so long as the post of the munsarim does not fall vacant ?

The Hon'ble the Home Member : (a) Yes.

(b) Yes.

***35. Rai Bahadur Babu Vikramajit Singh :** (a) Is it a fact that some years ago when the present munsarim of the Judge's Court of Budaun happened to be at Saharanpur, there were some questions in the Council relating to his misconduct, and that soon after those questions he was transferred to Budaun ?

(b) What are the grounds of the grant of extension to the said munsarim and what is the excess amount of pay which is being given to the record-keeper ?

The Hon'ble the Home Member : (a) Government have not been able to trace these questions.

(b) His personal pay is Rs.170 per month and is Rs.40 in excess of the record-keeper's pay.

Rai Bahadur Babu Vikramajit Singh : Sir, with regard to question no. 35(b), may I know why is the Government suffering a loss unnecessarily.

The Hon'ble the Home Member : A short time back all the translators in district judges courts were abolished, and the alternative was to retire these men or to employ them in posts which would carry a pay of not more than Rs.100. In this particular case, he is one of the men who were so retrenched. Instead of retiring him he has been appointed to this post.

Khan Bahadur Maulvi Fasih-ud-din : If this Munsarim had been retired on pension, would not have this translator come in his place, and thus this Rs.40 would have been saved to Government ?

The Hon'ble the Home Member : No, Sir. I think the calculation is that if the pay of the new man was added to the pension to which the other man would be entitled, the cost would be more.

**BABU KAMTA PRASAD, DEPUTY INSPECTOR OF SCHOOLS,
FATEHPUR**

*36. **Mr. Brijnandan Lal :** (a) Has the attention of the Government been drawn to the strictures passed by the Sessions Judge of Fatehpur against Babu Kamta Prasad, Deputy Inspector of Schools ?

(b) Is it a fact that the Provincial Conference of Vernacular School Teachers held at Banda passed a resolution condemning the treatment and the conduct of the said Deputy Inspector of Schools ?

(c) Is the Government prepared to consider the transfer of the said Deputy Inspector of Schools from Fatehpur ?

The Hon'ble the Minister for Education : (a) Yes.

(b) Yes.

(c) Government do not consider it desirable to transfer him in view of the short time that has to elapse before he retires.

Mr. Brijnandan Lal : How long will it be before he retires ?

The Hon'ble the Minister for Education : I think it is in June next.

Mr. Brijnandan Lal : Does the impending retirement of the Deputy Inspector give him a licence of misbehaviour as much as he likes ?

The Hon'ble the Minister for Education : No, Sir.

Mr. Brijnandan Lal : In that case why is he not transferred ?

The Hon'ble the Minister for Education : No use killing a dying man.

Khan Bahadur Hafiz Hidayat Husain : Is it a fact that the Education Committee of the District Board has passed a vote of non-confidence in him ?

The Hon'ble the Minister for Education : I am not aware of it. I have no information.

Sheikh Muhammad Habibullah : Is his work supposed to be satisfactory or unsatisfactory ?

The Hon'ble the President : That would be asking for opinion.

Khan Bahadur Saiyid Jafer Hosain : Will Government please inquire about the vote of non-confidence ?

The Hon'ble the Minister for Education : Government have no need to inquire. If there is a vote of non-confidence, papers will come to us in due course.

GOVERNMENT INTERMEDIATE COLLEGE, MORADABAD

*37. **Rai Sahib Sahu Jwala Saran Kothiwala :** (a) Is it a fact that the Principal, Government Intermediate College, Moradabad, does not admit students in Intermediate class who have Hindi as one of their subjects ?

(b) Is it a fact that there is an Urdu class for Intermediate students and no Hindi class in the said college ? If so, why ?

(c) Is it a fact that the Hindu public of Moradabad City has forwarded a memorial to the Director of Public Instruction to remove the above-mentioned grievance ?

(d) Do the Government intend to open a Hindi class also in the said college to remove the grievance of the Hindu public of Moradabad ?

The Hon'ble the Minister for Education : (a) Yes.

(b) Yes. The college has not yet been recognized for the Intermediate Examination in Hindi.

(c) No.

(d) The question is under consideration.

Raja Jagannath Bakhsh Singh : With regard to sub-clause (b) may I know if an application for the recognition of the Intermediate Examination in Hindi was made ?

The Hon'ble the Minister for Education : Yes.

Raja Jagannath Bakhsh Singh : Is Government in a position to say when the application was made ?

The Hon'ble the Minister for Education : I am unable to say, but I am informed that the application has since been sanctioned.

Raja Jagannath Bakhsh Singh : May I know whether the application for recognition in Hindi has been sanctioned ?

The Hon'ble the Minister for Education : It has since been sanctioned ; I understand so.

Raja Jagannath Bakhsh Singh : May I know if the answer that " the college has not yet been recognized for the Intermediate Examination in Hindi " is correct ?

The Hon'ble the Minister for Education : This has just been sanctioned, viz. after these replies were drafted.

The Hon'ble the President : There is just one thing in this connexion. The reply was given today, and I do not think an inaccurate answer of that kind should have been given.

The Hon'ble the Minister for Education : This information has just come in. I am just informed by the Director of Public Instruction. I have just heard that it has since been sanctioned.

The Hon'ble the President : When did the Director of Public Instruction know about it ?

The Hon'ble the Minister for Education : Yesterday. These replies were printed before that.

The Hon'ble the President : If I can meddle with the affairs of the Government, I should like to suggest that the reply should be correct on the date on which it is given and not on the date on which it is printed. The members of the Council expect an accurate reply on the date the reply is given.

Raja Jagannath Bakhsh Singh : With regard to the same question, may I know if the Government will withdraw these answers and put in correct ones ?

The Hon'ble the President : As the supplementaries are there, it is no use withdrawing.

COURT OF WARDS, MUTTRA

***38. Kunwar Girwar Singh (*absent*) :** (a) Is it a fact that the Government are going to release Prem Pratap Singh Estate of Muttra District from the management of the Court of Wards ? If so, when ?

(b) What is the total income of the estate from zamindari and from other sources ?

The Hon'ble the Finance Member : (a) The ward will reach his majority in January, 1934, and Government intend to release the estate then, unless the ward asks the Court of Wards to retain charge for a short time longer, so as to enable him to learn more about estate management than he knows at present.

(b) The total income of the estate from zamindari and other sources for the year ending 30th September, 1932, was approximately Rs.65,000.

***39. Kunwar Girwar Singh (*absent*) :** Is it a fact that the present Special Manager of Muttra Court of Wards is to be transferred to some other district and an Assistant Manager is to be sent there ?

The Hon'ble the Finance Member : The answer is in the negative.

***40. Kunwar Girwar Singh (*absent*) :** (a) Will the Government be pleased to state if Mursan Estate has been taken under the management of the Court of Wards ?

(b) For how many years will this estate be kept under the management of the Court of Wards and on what grounds ?

The Hon'ble the Finance Member : (a) The estate was taken over by the Collector under section 14 of the Court of Wards Act last year. Later the ward applied under section 10 of the Act and the Board ordered an inquiry whether it would be expedient to undertake the management of this property. This inquiry was recently completed, and as the Board are satisfied that this is a suitable case for Court of Wards management they have made a declaration to this effect under section 10 of the Act.

(b) It will be kept on under the Court of Wards till the debt is cleared which, it is estimated, will take 18 years.

The reason for taking this estate under the Court of Wards is the application of the ward under section 10 of the Court of Wards Act.

APPOINTMENT OF LADY MEMBERS TO EDUCATION COMMITTEES
OF DISTRICT BOARDS

*41. **Kunwar Girwar Singh** (*absent*): Will the Government consider the advisability of appointing nominated lady members of the District Boards to be the members of the Education Committees of every District Board to represent the interests of female education?

The Hon'ble the Minister for Education: It is not possible under the District Boards Act to accept the suggestion.

NOMINATION OF A WOMAN TO TILHAR MUNICIPAL BOARD

*42. **Khan Bahadur Maulvi Fasih-ud-din**: (a) Is it a fact that the Collector of Shahjahanpur and the Commissioner recommended the name of a woman for appointment as a member of the Tilhar Municipal Board?

(b) If so, on what date was the recommendation received?

(c) What are the reasons for the non-appointment of a female member on the Tilhar Municipal Board?

The Hon'ble the Minister for Local Self-Government: (a) Yes.

(b) On 26th October, 1932.

(c) Parties on the Tilhar Municipal Board are so evenly balanced that it was found impossible to make a nomination which would not give one party or the other a legitimate grievance.

ENGINEER OF THE MORADABAD DISTRICT BOARD

*43. **Rai Sahib Sahu Jwala Saran Kothiwalla**: (a) Is it a fact that the District Board, Moradabad, has an engineer who draws Rs.300 as pay and Rs.75 as motor allowance and also a secretary who draws the same amount?

(b) Is it a fact that the Engineer, District Board, Moradabad, is only an ordinary passed overseer?

(c) Is it a fact that the financial condition of the said board is not sound and the Government is intending to supersede the board?

(d) Is it a fact that the Government had a correspondence with the board on this subject, if so, will the Government be pleased to lay a copy of the correspondence on the table?

The Hon'ble the Minister for Local Self-Government: (a) The board's engineer draws Rs.275 per mensem as pay and Rs.100 as fixed travelling allowance. The pay of the secretary is Rs.250 *plus* a fixed travelling allowance of Rs.75.

(b) No: he holds the certificate of the Upper Subordinate Class at Roorkee.

(c) The budget for the current year has not yet reached Government. Last year the finances of the board gave considerable cause for anxiety, but as it appeared that this was due to the mismanagement of the late board and that the present board was making a

genuine endeavour to restore the position it was decided to give it an opportunity to do so before considering further the question of supersession. In passing the revised budget for 1932-33 in March last the Commissioner observed that while the situation was still somewhat critical the board had done much to pull its finances together.

(d) Yes. The Government regret that they are not prepared to make this correspondence public.

Sahu Jwala Saran Kothiwala : With reference to clause (b) are the Government aware that the District Board, Moradabad, has resolved that the present engineer be dismissed?

The Hon'ble the President : That does not arise out of the question here.

Sahu Jwala Saran Kothiwala : Will the Government be pleased to direct the District Board, Moradabad, to keep an efficient engineer available on this pay instead of the present engineer?

The Hon'ble the Minister for Local Self-Government : The general instruction is already with them that only a qualified engineer should be employed, but if the circumstances dictate that an exception should be made, it can be done with the sanction of the Government.

Khan Bahadur Saiyid Jafer Hosain : Is the Government aware that the District Board, Moradabad, has further strengthened its financial position by increasing the amount of realizations of the tax on circumstances and property?

The Hon'ble the Minister for Local Self-Government : It may be so.

APPOINTMENT OF OATH COMMISSIONER IN THE NAGINA MUNSIFF'S COURT

*44. **Hafiz Muhammad Ibrahim (absent) :** (a) Is it a fact that an Oath Commissioner has been appointed in the Nagina Munsiff's Court?

(b) If so, what is the name of the gentleman appointed?

(c) How did the appointing authority come to know about the gentleman appointed?

(d) Was the Munsiff or Nagina Bar consulted in this appointment? If not, why?

(e) If the Nagina Munsiff was consulted, what was the report made by him?

(f) Did the appointing authorities receive any applications for this appointment?

(g) Was any of these applications recommended by anybody? If so, by whom?

The Hon'ble the Home Member : (a) Yes.

(b) Babu Ram Nath Rastogi.

(c) He was recommended by the Sessions and Subordinate Judge of Bijnor and by the Munsif of Nagina.

(d) Yes.

(e) He recommended the appointment.

(f) Two applications were received, one from Babu Ram Nath Rastogi and the other from another gentleman.

(g) Babu Ram Nath Rastogi's application was recommended by the Sessions and Subordinate Judge of Bijnor and by the Munsif of Nagina, and the other application by the Munsif and Additional Munsif of Nagina.

UNSTARRED QUESTIONS

ARRESTS ON ACCOUNT OF ARREARS OF LAND REVENUE IN MUTTRA DISTRICT

1. **Kunwar Girwar Singh** (*absent*): Will the Government be pleased to state for the Muttra District (a) the names of zamindars arrested on account of arrears of land revenue and (b) the names of persons whose zamindaris have been taken under *kham* tahsil?

Mr. H. A. Lane : Government do not consider it desirable to give the names of the zamindars but their number is as follows :

(a) (i) Number of zamindars arrested but not detained 9

(ii) Number of zamindars arrested and detained in the lock-up .. 33

(b) Number of estates attached 28

NOMINATION OF MEMBERS TO BANDA DISTRICT BOARD

2. **Khan Bahadur Maulvi Saiyid Habib-ullah :** (a) Is it a fact that Banda District Board had two nominated members before the passing of the District Board Amendment Act of 1932?

(b) Is it a fact that at present also there are only two nominated members on the said board?

(c) Will the Government kindly state why the third member has not been nominated from unrepresented classes?

Mr. P. Mason : (a) Yes.

(b) Yes.

(c) The additional seat constituted by the Amendment Act can only be filled by a woman nominee. As the board has already a nominated woman member representing the interests of women as a special class not possessing an elected representative, Government have not considered it necessary to nominate a second woman member.

ELECTION OF MEMBERS OF THE SELECT COMMITTEE TO
CONSIDER THE BILL TO PROVIDE FOR THE SUPPRES-
SION OF IMMORAL TRAFFIC IN THE UNITED PROVINCES.

Mrs. Kailash Srivastava : Sir, I beg to move that for the Select Committee to consider the Bill to provide for the suppression of immoral traffic in the United Provinces, the following members be elected :

Rai Bahadur Babu Vikramajit Singh,
Khan Bahadur Hafiz Hidayat Husain,
Chaudhri Muhammad Ali,
Rai Bahadur Babu Awadh Bihari Lal,
Pandit Joti Prasad Upadhyaya,
Rai Bahadur Kunwar Surendra Pratap Sahi,
Rai Bahadur Mr. P. C. Mogha,
Mr. E. Ahmad Shah, the member in charge, and
Myself.

The Hon'ble the President : The member in charge will be *ex officio*.

Mr. C. Y. Chintamani : On a point of order, Sir, I want your ruling; whether this motion is in order when it is not made by the mover of the Bill.

The Hon'ble the President : I think the motion is perfectly in order. Mrs. Srivastava moved yesterday that the Bill be referred to a Select Committee. It was for her yesterday to nominate the personnel of the committee. She did not do so yesterday and she is in order to do so today, that the Bill be referred to a Select Committee consisting of so and so. But for the sake of convenience of procedure I have generally divided this motion into two parts that the Bill be referred to a Select Committee and that such and such members be elected.

Khan Bahadur [Haji Muhammad Obaid-ur Rahman Khan : Are those honourable members who opposed the Bill entitled to be nominated on the Select Committee ?

The Hon'ble the President : I daresay their consent must have been taken. May I know, Mrs. Srivastava, whether their consent has been taken ?

Mrs. Kailash Srivastava : I have not taken their consent actually, but I think they will be willing to serve on the committee.

The Hon'ble the President : Generally the rule is, Mrs. Srivastava, that previous consent ought to be taken before a nomination is made. If any member is not willing to serve on the committee you may either withdraw his name or the member can withdraw his name himself or somebody else can do so on his behalf.

Mr. Muhammad Rahamat Khan : I beg to withdraw my name.

Rai Bahadur Babu Vikramajit Singh : The practice in this House so far with regard to making nominations by private members who have been moving Bills, has been that they have not been taking

previous consent, but if any member whose name is mentioned and is not willing to serve, is at liberty to withdraw and more names are proposed by other members of the House.

Raja Jagannath Bakhsh Singh : What would happen about those members who are absent ?

Mrs. Kailash Srivastava : I have taken care not to propose the names of members who are absent.

A voice : Where is Chaudhri Muhammad Ali ?

Mrs. Kailash Srivastava : He was present yesterday.

The Hon'ble the President : There is no harm if his name is withdrawn now. Why should there be so much fuss ?

Mr. C. Y. Chintamani : If I am not out of order, Sir, on behalf of Chaudhri Muhammad Ali I beg to say that he is not willing to serve on the committee.

Rai Bahadur Babu Awadh Behari Lal : I beg to withdraw.

The Hon'ble the President : Rai Bahadur Babu Awadh Behari Lal has withdrawn ; Chaudhri Muhammad Ali has withdrawn ; any other withdrawal ?

Khan Bahadur Hafiz Hidayat Husain : I propose the name of Mr. Zahur Ahmad.

Rai Bahadur Babu Vikramajit Singh : I propose the name of Mr. Hollins, Inspector General of Police. He ought to be on the committee to assist.

The Hon'ble the President : Mr. Hollins does not seem to object. Silence means half consent.

The Hon'ble the President : Any other proposal ? So after the various proposals and withdrawals the personnel of the committee is like this :

Rai Bahadur Babu Vikramajit Singh.

Khan Bahadur Hafiz Hidayat Husain.

Pandit Joti Prasad Upadhyaya.

Rai Bahadur Kunwar Surendra Pratap Sahi.

Mrs. Kailash Srivastava.

Rai Bahadur Mr. P. C. Mogha.

Mr. Zahur Ahmad.

Mr. S. T. Hollins.

Pandit Joti Prasad Upadhyaya : May I suggest one more name ?

The Hon'ble the President : It is too late now. The question is: that for the select committee to consider the Bill to provide for the suppression of immoral traffic in the United Provinces the members mentioned before be elected.

The question was put and agreed to.

RESOLUTION *RE* THE TRANSFER OF THE IRRIGATION DEPARTMENT TO THE CONTROL OF A MINISTER RESPONSIBLE TO THE COUNCIL.

The following resolution tabled by Khan Bahadur Muhammad Hadiyar Khan was not moved :

That this Council recommends to the Government to convey to the higher authorities the opinion of this Council that the Irrigation Department be forthwith transferred to the control of a Minister responsible to the Council.

RESOLUTION *RE* RECRUITMENT OF PROSECUTING INSPECTORS FROM AMONGST LAW GRADUATES.

***Thakur Balwant Singh Gahlot :** I beg to move that this Council recommends to the Government to revert to the regular police service all such court inspectors and assistant court inspectors in these Provinces as are not graduates in law and to fill up their places by direct recruitment from amongst the law graduates.

Sir, this proposition is of such a nature that it does not require a very long speech in its support. All those persons, who have any experience of the prosecution of police cases can testify to the fact that in many cases they are not successful on account of the deficient knowledge of law possessed by these prosecuting inspectors. But the fault is not of these inspectors but it is of the training that they receive. The period of training is very small and in that short period they cannot be expected to understand fully the principles of law which are very difficult. Moreover, the general education of these prosecuting inspectors is not of a standard which is necessary for one to understand the implications of the difficult and technical language of the law text books. In these days law graduates are easily available for these posts and I think that this change will be a welcome change. These prosecuting inspectors are recruited from the rank of sub-inspectors and these sub-inspectors naturally take with them the bias of an investigating officer and that bias sticks to them when they have to perform the very difficult task of prosecuting a case. They are not only interested in the prosecution of a case but from the very beginning of the investigation of a case reports of investigation are sent to the prosecuting inspector and after going through those reports and the diaries he advises the Superintendent of Police whether the case is a fit one for prosecution or not. I think that if law graduates are appointed as prosecuting inspectors, the opinion of these inspectors will be an unbiased one and it will be based on the true facts mentioned in the diaries. In that case the Superintendent will be in a better position to judge whether a particular case in view of the amount of evidence available as recorded in the diary is a fit case for prosecution or not. If these persons are well versed in law then many of the cases will not be launched at all if there is not sufficient evidence to be produced in the case, and thus many failures will be avoided and thereby Government will save money that it would have spent

* Resolution originally tabled by Chandhari Dhrya Singh.

on these cases. In this connexion I will mention a case of my district about which I have some personal knowledge. Mr. Jaitley was the Superintendent of Police at that time at Bijnor. He is himself a law graduate and used to go through all the police diaries personally. I do not say that other Superintendents of Police do not do so, but what I mean is that a person who has received training in law is in a better position to understand whether there is sufficient evidence in the diaries to permit the case to be taken to court. That was a peculiar type of case. A dacoit was arrested and he made a confession. That confession was a concocted confession and in that confession there were statements which led to the conclusion that the confession was a right one. But the circumstantial evidence raised certain doubts and it was suspected that the confession may have been or may not have been a correct one. Mr. Jaitley looked very minutely into the case. About 23 persons were arrested under the charge of dacoity, but the Superintendent of Police refused to permit that case to be prosecuted and the result was that not only those innocent persons were let off but a lot of Government money was saved, which would otherwise have been spent on prosecution of that gang case. I can say with confidence that Mr. Jaitley was absolutely correct in letting off those innocent people. It would have been very difficult for any other Superintendent of Police to come to that conclusion, without the legal knowledge at his command. So if men well versed in law are appointed as prosecuting inspectors that deficiency will be removed. They will advise correctly the Superintendents of Police on such questions.

Moreover, Sir, these days public thinks that prosecutions are not properly conducted and the result is that there is a great attempt to defend the cases. If there be an assurance in the public mind that only those cases will be sent to court in which there is sufficient strong evidence then the defence also will not be of a nature as we see today. Mere prosecution of a case is not sufficient to assure the public that there is a real case against the accused and so it need not be defended in the way it is done today.

It may be difficult for the Government to revert to the regular police service all the court inspectors and assistant court inspectors. This is the difficult part of it. I say that if the Government is prepared to make a change not at once but in the future I think that will also be a good change. With these words I commend my resolution for the acceptance of the House.

Thakur Muneshwar Bakhsh Singh : Sir, with your permission I beg to move an amendment.

The Hon'ble the President : What is the amendment ?

Thakur Muneshwar Bakhsh Singh : I would like to delete the words "to revert to the regular police service all such court inspectors and assistant court inspectors in these provinces as are not graduates in law" and then to replace the words "their places" by the words "the future"

The Hon'ble the President : How would the resolution then read ?

Thakur Muneshwar Bakhsh Singh : It will read like this. "That this Council recommends to the Government to fill up the future vacancies in the posts of court inspectors and assistant court inspectors."

(Some conversation here took place between the speaker and other honourable members near him.)

The Hon'ble the President : Has the honourable member made up his mind what his amendment is to be ?

Thakur Muneshwar Bakhsh Singh : Yes, Sir. That this Council recommends to the Government to fill up future vacancies in the posts of prosecuting inspectors and assistant prosecuting inspectors by direct recruitment from amongst the law graduates, and to frame necessary rules for that purpose.

The Hon'ble the President : I hope there is no objection to this amendment being moved ?

Mr. S. T. Hollins : Yes, Sir, I oppose the amendment.

The Hon'ble the President : There is no question of opposing it. I ask if it is being objected to on the ground of short notice.

Mr. S. T. Hollins : I object to it.

The Hon'ble the President : I suspend the standing order in order to enable this amendment to be moved. I suspend the standing order for this reason. This resolution ordinarily ought to have come tomorrow or the day after, so perhaps honourable members had no time to give notice of their amendments. That is why I suspend the standing order and give an opportunity for this amendment to be moved.

Thakur Muneshwar Bakhsh Singh : Sir, I beg to move this amendment that the clause from the words "to revert" to the word "and" be deleted and in its place these words be substituted : "fill up future vacancies in the posts of prosecuting inspectors and assistant prosecuting inspectors." And then after the words "law graduates" the words "and to frame necessary rules for that purpose" be added.

Then, Sir, t' e amended resolution runs like this :

That this Council recommends to the Government to fill up the future vacancies in the posts of prosecuting inspectors and assistant prosecuting inspectors by direct recruitment from amongst the law graduates and to frame necessary rules for that purpose.

Sir, as to the necessity of the law graduates to be employed as prosecuting inspectors and assistant prosecuting inspectors my friend Thakur Balwant Singh has impressed it upon the House, so it is unnecessary for me to dwell upon that point. I would like to say a few words about my amendment. There seems an apparent difficulty in the reversion of the present incumbents of these posts, so I have amended the resolution in such a manner that this difficulty goes away and then my resolution has gone further and recommends to the Government to frame necessary rules for the purpose. There

may be some objection from the Government side or from the Inspector General of Police that these law graduates who do not know anything about the police discipline should not come in by direct recruitment. For that purpose I have worded the resolution in such a manner that the Government might make rules that the law graduates who are selected for appointment may undergo some sort of training for a period of three months or more, so that they may know something about police discipline and further the Government may by these rules, fix the age limit and other qualifications necessary for the eligibility of these posts. I think I have made the object of my amendment clear to the House and hope that the House will accept it.

Khan Bahadur Saiyid Jafer Hosain : Sir, I support the amendment moved by my friend Thakur Muneshwar Bakhsh Singh. I consider it to be a very reasonable one and the effect of this amendment, if it is accepted by the Government, will be that in future law graduates will be taken in this line in increasing numbers and that will certainly tone up the conduct of police challan cases in the court of magistrates. I do not cast any aspersion whatsoever upon the conduct of cases under the present system by police officers but I do maintain that if the Government recruits law graduates then there is absolutely no doubt that it will lead to better trial of criminal cases in these provinces. There is one point, however, which I should like to bring to the notice of Government and it is this that if the Government accepts the amendment of my honourable friend, in that case it should be borne in mind that experienced law officers having a few years' practice at the Bar should be recruited and the age-limit should be fixed a little higher than what it is in the case of ordinary Government servants. It might, for instance, be feasible to take in law graduates who are even 26 or 27 years old. We do not say that the salaries of the law graduates should be higher than those of prosecuting inspectors : Government will find any number of law graduates willing to serve on the same pay as is given to the prosecuting inspectors.

In these circumstances I do not see any reason why Government should not accept the amendment. It does not injure the interests of the prosecuting staff ; it only introduces a new system of recruitment in future. Sir, the profession of law is a very noble profession and the votaries of that profession, wherever they go, maintain a high tone of administration and a still higher tone of sense of duty.

Pandit Joti Prasad Upadhyaya : I concur, Sir, in the observations that have just been made by the two previous speakers and support the amendment that has been moved by Thakur Muneshwar Bakhsh Singh Sahib. The original resolution was somewhat vague, and probably it could not have been carried in practice as it asked the Government to revert the entire staff of police officers who are at present employed in prosecuting business to regular police force. This would have been more or less impossible ; but the resolution

Pandit Joti Prasad Upadhyaya]

as amended by the amendment of Thakur Muneshwar Bakhsh Singh Sahib has assumed a very practical form and must, for the reasons that have been given by the two previous speakers, be accepted by the Government.

Many difficulties and many deficiencies have been experienced in the conduct of cases by prosecuting inspectors and sub-inspectors. These officers, as the previous speakers have just now observed, generally come from the investigating line and they bring a certain amount of police tradition in their minds when they come to conduct cases before magistrates. They do not look into the case work judicially as a trained graduate in law would look at it. The laws of evidence are sometimes disregarded by them. The provisions of section 162, Criminal Procedure Code, which is a most important section from the point of view of defence of an accused person are grossly neglected or improperly used. There is one more defect in the conduct of cases by these officers. They overawe the magistrates who decide cases. That is a fact which must be within the knowledge of the Inspector General of Police, as he has himself been Superintendent of Police in this province. The magistrates generally think that these people are in direct communication with the Superintendent of Police and they are afraid that if they go against their wishes, even in the slightest degree, the prosecuting inspector or the sub-inspector will at once go to the Superintendent of Police and will complain against them and will thus make things difficult for them in the district and possibly get them transferred to the eastern districts where the climate is very bad. If the Government accept the resolution and agree to appoint graduates in law in place of the prosecuting inspectors and sub-inspectors, it will bring about a great reform in the conduct of police cases in the courts of magistrates. One more suggestion I have to make, and it is this, that these officers who are appointed in future—I do not say immediately, but sooner or later—should be made subordinates to the district magistrates instead of to the Superintendents of Police, and in this way a good deal of the argument about the separation of the judicial from the executive functions would be met. I know that things would be much better and smoother if the district prosecution staff is placed under the subordination of the district magistrate. At the same time this proposal will not embarrass the Government financially in any way. The pay of a prosecuting sub-inspector begins at Rs.70 to Rs.80 a month, and rises with gradual increments up to a maximum of about Rs.300. This pay, I submit, would be a sufficient inducement for a law graduate in these hard times to join this service when it is impossible to find employment elsewhere. Lastly, the proposal, if accepted by the Government, would create a good deal of confidence in the mind of the public, for a graduate court inspector is likely to be more honest than the present officer in the conduct of cases. For these reasons I support the amendment that is before the House for consideration.

Shaikh Muhammad Habibullah : I had not the least idea of taking part in the debate, but for certain curious arguments advanced by

members who have spoken in support of the resolution. I appreciate the spirit of persons who are anxious to find jobs for law graduates who are without employment. I sympathise with the lot of the graduates in law. The resolution as it stands is most impractical, and the House also saw it when the honourable mover spoke in support of it, and that is why an amendment has been moved. I stand here to speak in support of the amendment. Perhaps my honourable friends here are not aware that in every country there is a police agency for the prosecution of police cases. The existing system is that the prosecuting agency is comprised of members of the police force who are specially trained in the elementary law at the Police Training School. Later on they have to pass a test in Criminal Law and Evidence Act, which is equivalent to that prescribed for the LL.B. Degree. Such men, having gained experience and training as police officers, know how to conduct the cases from the police point of view. They are police prosecutors and they present their cases in the best possible way from the point of view of the police.

Now this is only in the courts of magistrates, not in higher courts. (Sessions Courts and the High Court) where there are public prosecutors. It is said that these people overawe the magistrates. If they can overawe the magistrates, then the best cure is not to remove them but to remove the magistrates and replace them by a set of LL.B.s who cannot be overawed.

Pandit Joti Prasad Upadhyaya : What is the experience of the honourable member as a magistrate?

Shaikh Muhammad Habib-ullah : I have never been overawed.

An honourable member : What happened in Saharanpur?

Shaikh Muhammad Habib-ullah : Was I overawed? The Saharanpur riot is a record in history. It was subdued within 24 hours, while in other places it lasted for weeks. This was because I ordered firing. I can never be overawed. If you want a set of lawyers to replace the present trained police agency, may I know whether they will be police officers or not? The prosecuting inspector has got the privileges of a police officer. Will these LL.B.s be subject to police discipline? Will they do other work which a prosecuting inspector is called upon to do? He does not go and only prosecute in court.

An honourable member : He has got to tutor witnesses.

Shaikh Muhammad Habib-ullah : He has to perform many other police duties. After all we should not forget that these policemen are our own countrymen and we should not run them down in such a way.

An honourable member : Graduates of law are not!

Shaikh Muhammad Habib-ullah : Here is a tug-of-war between one set of our countrymen and the other set

An honourable member : You are pulling the other way.

Shaikh Muhammad Habib-ullah : Not being either a policeman or a lawyer I will say what I deem proper, and I think my words should carry more weight than those of the lawyers who are supporting the resolution. The arrangement, as it is, I cannot call an ideal one, because nothing in any administration can be called ideal. Perhaps there are defects in all human organizations, and so they must be in police. These prosecuting inspectors are trained for this kind of work and they put the case before magistrates, so far as I know in the interest of police, and I think they are discharging their legitimate duties honestly. But of course it is the business of the court before which they conduct cases to do justice. But I am told that the magistracy of the province is so weak that it can be overawed by the police. As I said before, the amended part of the resolution requires some consideration. But I think it will not be practicable to give effect to such a resolution when it is maintained that these people will be employed as lawyers to prosecute police cases and will not be subject to all the police discipline.

The Hon'ble the Home Member : Sir, I congratulate the honourable member for Hardoi for having rescued the drowning member for Bijnor. The resolution, as it stood originally, was unpractical, if I may say so without offence, as it asked that over 150 people should be turned out and should be made inspectors and sub-inspectors when we have already enough of such officers to provide for our ordinary needs. The reason why we objected to the amendment being moved without notice was that the resolution is so altered that it requires time to consider what line we should take. In dealing with the amended resolution, there is one difficulty that I wish to point out. The resolution as amended says "that this Council recommends to the Government to fill up the future vacancies in the posts of prosecuting inspectors and assistant prosecuting inspectors by direct recruitment from amongst the law graduates and to frame necessary rules for that purpose." If you recruit at the same time both sub-inspectors and prosecuting inspectors, then what is going to happen to prosecuting sub-inspectors. At present we recruit prosecuting sub-inspectors and promote them as prosecuting inspectors. I take it that the honourable member will have no objection to delete the words "prosecuting inspectors" and will agree to the recruitment of prosecuting sub-inspectors as we begin from sub-inspectors. May I take it that he is prepared to delete the words "prosecuting inspectors."

(The honourable member gave his assent.)

Having got rid of the first difficulty, I come to the second difficulty. I take it that there is no desire that the existing staff of prosecuting inspectors or sub-inspectors should be done away with, because we have a number of prosecuting inspectors and sub-inspectors who were recruited under definite terms of service. I hope it is not the intention of the House that prosecuting sub-inspectors should be debarred from promotion to the post of prosecuting inspector. *(Voices—No, No.)* This clears these two points. I think there was

a debate in this Council in March and in which Government stated that they would be very glad to welcome at the Police Training School, Moradabad, graduates of law if we could get them. Therefore subject to the two provisos that I have already mentioned Government will accept this amendment. I also want to say a few words about the existing staff. I think there is some misapprehension among the honourable members that the present staff is ignorant of law and that their chief qualification is that they are bullies; that they overawe the magistrates and thereby accomplish their nefarious designs. As a matter of fact, no one can be appointed a prosecuting inspector unless he has passed the LL.B. examination in Criminal Procedure Code, in the Indian Penal Code and in the Evidence Act. Unless they do that they are not confirmed either as prosecuting inspectors or prosecuting sub-inspectors. I merely want to give just one warning about the emphasis that has been laid so much about people being graduates of law. After all the qualifying test of the deputy magistrate who tries the case is the Intermediate examination. For the deputy collectors' examination the qualifying test is the Intermediate examination. The same is the case with Deputy Superintendents of Police. My honourable friend the member for Bijnor said that it was very essential that the prosecuting inspector should be a graduate in law and he then proceeded to quote an instance of how a Superintendent of Police who was an LL.B. was able to deal successfully with a particular case. The logical conclusion of the honourable member's argument would be that all Superintendents of Police should be lawyers and that all magistrates should be similarly qualified. Further, that all district magistrates should be lawyers. I am only just pointing out that it is unnecessary to lay too much emphasis on the point that we must have everybody a graduate in law. I think that the intention of the mover was that our prosecuting agency should be well equipped in law, that it should be able to weigh evidence and to put up the case for the prosecution clearly and with knowledge. I think on that point there can be no dispute.

Saiyid Yusuf Ali : I support the resolution as proposed by Thakur Muneshwar Bakhsh Singh Sahib. I heard the speeches from the Government side and from the non-official side, criticising that the appointment or recruitment of law graduates will not serve the purpose. One of the honourable members pointed out that in police there ought to be a police prosecuting agency and he illustrated it with some arrangement in England, saying that there is a police force and they have got their police agency. At the very beginning I might say that the illustration of England cannot apply to India and there are many reasons. One is that you cannot compare the Indian police with English police. You cannot compare the straightforwardness, the honesty and the discipline of the English police with those of the Indian police. Even Englishmen who came to India and watched the movement and the activities of the police have come out with their criticism in papers. I can quote with advantage the statement of one of the most prominent men, Mr. Brailsford who came out to India as

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a defence witness in the Meerut conspiracy case. He wrote several articles on the behaviour of the Indian Police and he said that the Indian Police is such that the less said about it the better. This is the police for which police agency is required to prosecute their cases. The Government ought to have come with an honest purpose and to accept this resolution in the interests of the best administration of justice. We see that in every case that is challaned by the police when it comes to the court we find the words written "King-Emperor versus so and so." It is not written "Police versus so and so." King-Emperor is represented or the Crown is represented on the side of the prosecution. Crown always represents justice, it does not represent police.

Therefore I submit, Sir, that it is not necessary at all that the police must have their prosecuting agencies also policemen. Sir, this is one of the reasons that goes to show that people who go to seek justice in the criminal side have little confidence in the administration of justice by the prosecuting agencies of the police. If this agency is substituted by those persons who have got no connexion whatever with the police, who have got at the same time an idea of the rights of people and of justice, and they have got an idea that they have not to do anything undesirable, I think it will bring out a better sense of justice. For this reason, I submit that this resolution, as it stands, should be accepted by the Government and should not at all be opposed.

Then, Sir, the Hon'ble the Home Member said that the mover finding that the resolution as it stands is most absurd, or rather impracticable, another honourable member has come with an amendment to the resolution to his rescue, and he said that if the resolution as it stood were accepted, he would have to turn out about 150 persons from these posts. As far as I am aware, Sir, prosecuting sub-inspectors have got their own grade of a sub-inspector. They are sent first to the Training School at Moradabad. Then they come out of that school as sub-inspectors. Then they are kept in the investigation side for about two or three years; and then if anybody wants to go into the prosecuting line, he is taken as a prosecuting sub-inspector. So they have got their original grades in the regular police force. As soon as this arrangement comes into force, they will not be turned out; they will be reverted to their original posts in the regular police force. In the same way the court inspector has got his grade in the inspector's grade. He is in the grade equal to an inspector and he has also got a grade in the regular police force. So my submission is that if this resolution is going to be enforced or passed by this Council, the Government will not stand in need of turning out all these people; but they will be reverted to their original posts or original grades in the regular force. It is just possible, Sir, that what I think may be wrong in regard to court inspectors. As far as sub-inspectors are concerned, I am quite sure; but as far as inspectors are concerned, I am open to correction by the the Hon'ble Home Member or by

the Inspector General of Police whether these persons who are court inspectors have got a grade in the regular police force or not ; because I know these officers who are court inspectors have been promoted from this grade to the grade of Deputy Superintendent of Police. If they have not got their grade in the regular force of inspectors, I do not see why they should be promoted to the grade of Deputy Superintendent of Police from the grade of court inspector. Therefore, I think they have got their grade in the regular force.

Now, Sir, it is said by one of the honourable members of this House that the prosecuting inspectors are sub-inspectors. They are trained and they are given some training in Criminal Law and the Evidence Act. Well, Sir, I take it that is true ; but my submission is, is that equal to the training that an LL. B. receives ? Can it be said that reading of the Criminal Procedure Code and the Evidence Act and the Indian Penal Code is equal to the training of law on all sides ? Is it not necessary in many cases of the criminal side that a man should have knowledge of the civil law ? There are many cases in the Indian Penal Code where a knowledge of civil law is invaluable. Take, for example, a case under section 420. It is a case of a breach of contract. In every case it is a matter of intention that brings it under section 420.

The same case can be brought under section 420, and if the intention is to cheat then breach of contract will at once bring it under section 420. A prosecuting inspector has no knowledge of the civil law or of the Contract Act—there are so many sections in the Contract Act—if he knows it perfectly, he can serve the purpose better than a man who has got absolutely no sense and knowledge of the Contract Act. Then there are cases of tort : there are cases of defamation, both in civil and criminal courts. There are mixed cases. A man who had got both knowledge of criminal and civil law, I think, can better treat these cases than a man who has no knowledge of civil law at all. For these reasons Government would be well advised to have private agencies instead of police agencies in which even the accused who stands charged of an offence will have better confidence in the administration of justice than if represented by the police prosecuting inspector. A fact was stated by the honourable mover and he said that in many cases magistrates are overawed by prosecuting inspectors. The answer given was that the magistrate should be removed. I think the removal of the magistrate is not the business of this Council, and it is also not the business of this Council to create an independent mentality in those who occupy the chair of a magistrate. But if we can supply a courageous man to prosecute a case independently and honestly, I think it is the duty of this Council to ask Government to accept the proposal. It is not the personality of the court inspector that overawes the magistrate : it is the system of prosecution or of administration that overawes him. If the prosecuting inspector is not helped by his officers, I do not think a magistrate is going to be overawed by that prosecuting inspector. But when the Police Superintendent goes and sees the magistrate and asks

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him to penalize the trying magistrate who acquitted the accused against the wishes of the court inspector, and the magistrate brings his influence on the trying magistrate, I think he must be overawed, because he has got to look for his own bread and butter. So it is not the personality of the court inspector that overawed : it is the system of Government or administration that overawes the magistrate. I will say with force that it is a fact that in hundreds of cases magistrates have been overawed. I will not name a magistrate. He was a very independent magistrate and was known for his independence. I was just beginning my practice at that time. There was a case of excise in his court, and I appeared for the accused in that case. Fortunately in that case the accused was let off by the magistrate, and when I went to see the magistrate a week later, he showed me a chit from the District Magistrate saying that in excise and cocaine cases the accused should not be let off so easily. And then I am surprised to find that we say that we should have justice at the hands of those magistrates who are not allowed to do justice. I do not find fault with the magistrate : I find fault with those who are responsible for the administration of justice. If on the merits of a case a man is liable to be convicted, he must be convicted ; if he is liable to be acquitted, he must be acquitted. But there should be nothing of the sort that because the administration is going to be disturbed and because he is a hazardous man, he should be sent to jail even if there be no evidence against him. My submission is that what was stated by the honourable mover of the resolution was a fact and I go further and say that those who are sitting on that side of the House know it as a fact, but the difficulty is this that they are not in a position to say it openly in the House and if they have got the courage to say that, I think those better days when they could do that would come.

Then, Sir, I do not agree with the amendment that has been moved by one of the honourable members because that does not give any relief to the unemployment that rages at this time among the educated classes including the law graduates. I hear a laugh from the Government benches, but I should not expect that laugh from the Government benches. They are the members of the Government and every good Government has got a duty to perform towards those who are unemployed. Every good Government should consider it its duty to provide for those who are unemployed. Otherwise they will expect what ? They will expect that which they are believing in their own minds. I do not want the Government at this stage to take it as a matter of jest. It is not a matter of jest. Where will all those graduates who are not getting employments and not getting their bread and butter go ? They will turn into revolutionaries ; they will come forward with their bullets to face the Government. This is the position that the Government should realize. If any proposal is laid before the House for the betterment of that position, we should see that it is not treated in jest from the Government benches. I am serious here and the proposition which is before the House must be taken seriously. It will improve the sense of justice and there will be

better confidence in the administration of justice : we shall have better men to prosecute the cases. But if the Government say that they want their own men who without any sense of justice, when a police case comes before them, will record a conviction anyhow by hook or by crook, whether there may be merits of the case or there may be no merits, whether a man deserves conviction on the merits or does not deserve it but because the police wants a conviction. therefore, there should be a conviction, that is a different thing. Well, Sir, if that is the meaning of the Government, if that is the intention of the Government, I would submit, "Go on prosecuting and send everybody to jail without discrimination."

With these words I support the resolution.

Thakur Giriraj Singh : Today I stand not to do any injury to the police sub-inspectors nor to give employment to those who are law graduates but to paint a picture of the case in its true colour. It is not unknown to us that a Government pleader knows more than a prosecuting inspector. Everybody knows that a Government pleader has got more knowledge of procedure than a prosecuting police inspector. I, therefore, think that a prosecuting inspector, having the same qualifications as a Government pleader, will represent the case of the Government in a better way than the man who has got less training and less knowledge. I know of instances not in my own district alone, but in some of the neighbouring districts also where deputy collectors have been complaining that some cases have been so badly conducted by these prosecuting inspectors that they had no other alternative but to let off the accused.

Sir, it is often complained that most of these deputy collectors are in favour of challaned cases, to some extent it is true. They do this either to please the higher authorities or under this belief that the accused are not the real culprits in the case. Sir, I do not understand that in the subordinate service where formerly high school passed men were taken or where even those who do not possess that qualification were taken graduates are taken now. Take the case of naib-tahsildars, sub-registrars or any other post like that. I do not see any reason at all why law graduates should not be allowed to act as prosecuting inspectors. One of my honourable friends has stated his view before the Council today that cases will not be conducted from the police point of view. I do not understand this at all. When any case comes up before a deputy collector, and when it is conducted by the police prosecuting inspector, it is not conducted from police point of view. Sir, as far as I am aware—because I was also a lawyer for two or three years—when a lawyer takes up a case or represents any party, it is his bounden duty to represent that case, whether that case is true or false.

A voice : No, no.

Thakur Giriraj Singh : It is my belief and conviction. The same is the case with the prosecuting inspectors also. If a case comes up before him, I think he will tutor the witnesses ; he will give every

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possible advice to the witnesses how to give evidence so that he may succeed in the case. The Superintendent of Police will then say that such prosecuting inspector is efficient and so he might be promoted or might get some other advantage from the Police Department. Sir, my whole point is simply this that when more qualified men are available for the prosecuting inspectors or assistant inspectors, why is the Government not willing to accept the amended resolution moved by Thakur Muneshwar Bakhsh Singh. Certainly the original motion moved by the mover was a good one but the difficulty which was in its application was shown before the House today and to remove that difficulty the resolution has been amended in such a way that now there will be no difficulty at all. I do not agree with that honourable member who said that the amended resolution would be injurious to the police sub-inspectors because one of my friends has just stated a few minutes ago that there is a grade of police sub-inspectors so they will not be injured in any way and there will be no loss to those police sub-inspectors. I do not support the idea simply to give jobs or employments to law graduates ; because the intention of this Government or any other Government cannot be to give jobs to all graduates or to those who are trained in schools or colleges. The intention of the Government is to give education to the subjects and not to give jobs to all. Whenever there is any vacancy, it will be given to them. But my whole purport in supporting this amended resolution is that so long as there were no graduates available for this post of prosecuting inspectors, Government really did good when they appointed men who were of high school examination passed. But now, Sir, that time is quite changed. Now lots of graduates are available and I think that they can very well discharge the duties which these police sub-inspectors are discharging today and if the Inspector General of Police is afraid that they will not abide by the wishes of the Superintendent of Police, I think he is wrong. They will abide by the wishes of the Superintendent of Police. So long as they are in the service of the police they will be under the direct control of the Superintendent of Police. He will consult the Superintendent of Police on the spot ; so the Inspector General of Police should not be afraid of the fact that these graduates will not be police men. With these words I support the amended resolution of Thakur Muneshwar Bakhsh Singh.

Rao Narsingh Rao : Sir, first of all I beg to move an amendment to the amendment. My amendment is that the words "prosecuting inspectors and" be deleted from the amended resolution. Having moved my amendment, I shall now follow the advice of my friend who preceded me that the matter should be taken seriously. It seems to me that we are driving at something other than what the resolution itself means. It has already been said more than once and I need not repeat it that the resolution as it stood originally was useless and could not be accepted. As a matter of fact it should not have been moved, but so far as the amended resolution is concerned, I think that it will be very easy for the Government to accept it. In

fact, as appears from the speech of the Hon'ble Home Member, Government have already accepted it and if sufficient law graduates are forthcoming for these posts when recruitment is made in future, there is no reason why Government should not appoint them in preference to those who are not graduates in law. I therefore think that the amended resolution as it now stands will have no opposition from any quarter.

Secondly, Sir, I wish to add a few words as a protest against the remarks made by some of the honourable members against Indian Police. The police in this country is not so bad as is painted in this House.

(*Some voice* : Question.)

The police here has to work under difficult circumstances and we do not make allowance for that. The police in England works in circumstances about which we do not know anything. What is responsible for the success and efficiency of the police there is not to be found here in this country. As a matter of fact, our police deserves our sympathy instead of any criticism. No doubt I admit that there are some black sheep, but for most of such cases some one else is responsible. I know it as a fact that very often serious wire pulling is done and in the end the subordinate police gets a bad name. Those people have got to work under very precarious circumstances and they have to perform a thankless job, for which nobody cares and which nobody appreciates. I therefore say that they should not be criticised at all.

Now, Sir, if a law graduate is recruited as a prosecuting inspector, I am definitely of opinion that he will be as good a police officer as any other man is. He will not be superior to anyone already employed. He will be recruited as a sub-inspector of police and will be that and no more. So all the work that will be done by him will not be in any way different from what is being done today. The only difference which the House I think expects is that he would be able to put the case more clearly and with a greater knowledge of law than is being done by the present agency. But even in the case of the present agency, as is pointed by the Hon'ble the Home Member, the prosecuting inspectors are required to qualify in law before they are made to work as court inspectors. So the knowledge of law is required in both cases. If a law graduate has no field for practice and if he wishes to join a post carrying a pay of Rs.70 a month, the police should have no reason to grudge that. But certainly that graduate of law will in no way be better than a sub-inspector recruited and given training in law at about the same time. With these words, Sir, I support the amended resolution and I wish that it should be accepted.

Mr. Brijnandan Lal : Sir, I rise to support the resolution as amended by Thakur Muneshwar Bakhsh Singh. I had no intention of speaking but there is some misapprehension as regards the resolution which I wish to remove. The idea is not to recruit from amongst the new law graduates only but the words "law graduate" include

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practising lawyers as well. It is not the intention to exclude experienced lawyers who have put in certain amount of practice.

It is not a new demand. I will quote from a very authoritative pronouncement, which was made in 1921—I mean the report of the Stuart Committee. As a matter of fact that committee recommended exactly the same thing as is demanded by the honourable mover in his resolution.

The Hon'ble the Home Member : May I interrupt the honourable member? If he will kindly look into the report he will find that they are in addition to the existing prosecuting agency.

Mr. Brijnandan Lal : The recommendation was made on the occasion when separation was coming into force. But the report said that even without separation the improvement in the prosecution agency was necessary and therefore recruitment of law graduates was recommended. The Hon'ble the Home Member said that the recommendation was "in addition to the present agency." I have no objection to that, so long as law graduates are also admitted and gradually of course these court inspectors are eliminated. The report runs as follows :

"Had it not been proposed to separate the judicial functions from the executive the case for improvement of the prosecuting agency would still be a strong one. Under present conditions the prosecution in the vast majority of police cases is left either in the hands of a sub-inspector or in the hands of the trying magistrate himself. In many police cases the trying magistrate has to make out as best as he can the case for the prosecution from the papers at his disposal and to frame a theory on his own initiative and examine the witnesses upon it. This is obviously a defect."

Then, further on the report says :

"It appears to the Committee that an extension of the police agency in prosecutions is undesirable. While the employment of this agency has much to commend it on the score of economy the members of the Committee are unanimous in considering that something more specialized is wanted. The members of the Committee are all acquainted more or less intimately with the conditions prevailing in districts and they are of opinion that salaries ranging from two to three hundred rupees will be sufficient to secure the services of competent younger members of the Bar as prosecuting inspectors. The estimate of the Committee is based on the hope that there should be sufficient prosecutors to enable Government cases to be represented in the courts of magistrates."

This was recommended in order to attract a good quality of practitioners. Otherwise the Hon'ble the Home Member is not conceding anything. All he says is that law graduates will be admitted into the training classes. At the present moment the qualification for admission is matriculation. He will not do a very special favour if he admits a double graduate into the training class. What the honourable

mover wanted was that selection should be made from among practising lawyers and age-limit should go and when they found that they would have better prospects in private practice they could leave this work and revert to their own profession. The point is not to give preference. Preference would have to be given because they have better qualifications than the men at present admitted. The only person who opposed the motion was Shaikh Habib-ullah. I have very great respect for him but I fear that the magistrate in him is still alive. He said that all over the world the prosecution agency comes from the police. I think he is totally wrong. Even in this country Government prosecutors are recruited from the legal practitioners. Khan Bahadur Mr. Muhammad Ismail is a Government advocate and he is one of the leading practitioners sent from this Council to represent the Government in the High Court. It is wrong to say all over the world prosecution work is done by the police. The Hon'ble the Home Member for whom I have very great respect and to whom I extend a warm welcome said that law is not necessary for everybody, even magistrates need not be LL.B's. That has been the demand of the public for such a long time. It is not a new thing that the mover is demanding. I am not supporting the resolution on the ground advanced by my honourable friend the mover. He said the cases often fail due to the folly of the prosecuting inspectors. I have no grievance against that. I have myself as counsel for the defence got many of my clients acquitted on account of the folly of prosecuting inspectors. Government should see to that, not I. So I hope what the Hon'ble the Home Member should accept is that in future recruitment from among legal practitioners should be made and not only from raw law graduates. With these words I support the resolution as amended by Thakur Muneshwar Bakhsh Singh.

Mr. E. Ahmad Shah : My interest in this resolution is on behalf of law graduates who are the products of universities in the United Provinces. Honourable members of this House are aware that about 600 to 700 students studying law graduate from the five universities of our province. And it is very hard for them to find employment or to begin practice in their profession for which they have qualified themselves. Their number is increasing from year to year. There ought to be avenues of service open to them so that they may be able to utilize their talents and their time more usefully than they are able to do at present. I am not supporting the original resolution, because there are certain objections in the acceptance of it. The amendment also includes certain drawbacks as far as the recruitment is concerned, but the amendment to the amendment which has been moved in this House by a previous speaker makes it possible for the recruitment of law graduates in which I include the practising lawyers as well, because they are also law graduates. Their inclusion is intended under the term "law graduates." Since a large number of practising lawyers also are not able to maintain themselves on a satisfactory basis, they should also be kept in view.

Mr. E. Ahmad Shah]

Sir, one difficulty has been pointed out that if law graduates are to be recruited as assistant prosecuting inspectors, there is no inducement for them ; because only a lower rank of service is being opened for them. But, considering the position in which the law graduates are found today, I think that if even this opening is made for them, it will be something, if not everything. Therefore, Sir, I am supporting the amendment to the amendment that future recruitment in this service should be made from among law graduates. There was one other point mentioned by one of the speakers who supported the original resolution, indicating that in the acceptance of the original resolution there will be no difficulty. He indicated that if the prosecuting inspectors and assistant prosecuting inspectors are reverted, places can be made vacant for law graduates immediately. But, I think, one fact has been forgotten or omitted by him. The places to which they are intended to be reverted are not vacant. It is true that they hold a lien in the police service but the posts which are supposed to be vacant are really not vacant. They are already occupied by those people who are working in the Police Department as inspectors and sub-inspectors of police. Therefore to think that the immediate reversion of the existing prosecuting inspectors and assistant prosecuting inspectors will not cause any difficulty is a mistake on the part of the member or members who have suggested it. The point is that in the future vacancies should be filled up from law graduates including the practising lawyers. Reading the mind of the mover of the resolution, I find that his intention was not to create any difficulty but to make it possible for Government to provide an avenue for the law graduates to which class he belongs. If my interpretation of his mind is correct, I think his object will be well served if he falls in with the amendment to the amendment, which is a very practical suggestion and which offers no difficulty for the Government and, at the same time, throws open the door of future recruitment to the persons for whom the resolution is intended.

Khan Bahadur Maulvi Muhammad Fazl-ur Rahman Khan : Sir, I rise to support the amendment of my friend Thakur Muneshwar Bakhsh Singh. At first I was intending to support the original resolution but the advocacy and the eloquence of the Hon'ble the Home Member convinced me that the original resolution was open to the objection of being impracticable to some extent. But I must say at the very outset that his argument failed to convince me any further. Many speeches have already been delivered on the subject, and I think I shall not be justified in recapitulating what has already been said. The question before the House is very simple, and there cannot be two opinions about it. I am not astonished at the present attitude of Government, because I have been in this Council for a very long time and I know it has become a custom that the resolutions moved by non-official members are always opposed by Government.

The Hon'ble the Minister for Education : Not always.

Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan : There may be some exceptions, but they are so few as can be counted on the fingers of one hand. I must state my reasons very briefly, and I am confident if Government examines them carefully and dispassionately it will agree with me. I do not want to criticize the present court inspectors or their assistants mercilessly ; nor do I hold any brief on behalf of the law graduates. True, I am myself a practising lawyer, but I do not fortunately or unfortunately fall under the category of young lawyers from which court inspectors will be recruited. Law graduates are expected to be far more competent than the present court inspectors. I admit that court inspectors do possess some experience, but most of them do not possess any knowledge worth the name. Mere experience is nothing. A court peon also possesses sufficient experience of the procedure that obtains in our courts. A court inspector may be somewhat better, being an educated person.

Pandit Shri Sadayatan Pande : He has knowledge.

Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan : Not always. A court inspector, being an educated person, may be slightly better, but I do not think that his educational qualifications make him a fit person to discharge the responsible duties of a public prosecutor. Many a time it so happened that owing to the incompetence of the court inspector evidence which should not have been admitted was admitted ; often it so happened that relevant evidence, I mean defence evidence, was rejected by magistrates because the court inspector vehemently objected to its admission. At times one finds that papers are exhibited without their being any evidence to prove them. A law graduate with even a little experience will not commit such blunders. Criminal work will greatly improve if the prosecution of cases is entrusted to law graduates. In the majority of cases law graduates can be expected to be more honest. Our court inspectors are generally recruited from amongst sub-inspectors. Whatever praises the Hon'ble the Home Member and the Inspector General of Police may have for their sub-inspectors, I am not prepared to join them in this matter. I do not mean to say that each and every police officer is dishonest. Some police officers, I admit, are very honest. But they are not many in number. The law graduates are expected to be certainly more honest than the majority of our present court inspectors, if they are given a chance to prosecute criminal cases, I am confident that work will greatly improve.

The Hon'ble the President : If the honourable member wishes to take longer, he can do it after the lunch interval.

The Council was adjourned for lunch at 1 p.m.

After recess the House re-assembled at 2 p.m. with the Hon'ble the President in the Chair.

Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan : I was submitting that the law graduates are likely to be more honest than the present prosecuting inspectors, when the Council rose for lunch. When I said this I did not mean to suggest that all court inspectors

Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan]

are dishonest. (Mr. S. T. Hollins—Thank you) What I meant to say is that the law graduates are likely to be more honest than the majority of the existing court inspectors. My next reason in favour of the proposal is that if LL.B's are appointed to prosecute criminal cases, it would inspire greater confidence in the minds of the public. These men will not belong to the regular police force, and the unhappy accused while standing in the dock will have every confidence when he will see that the prosecuting agency does not belong to the force to which the investigating officer belonged. The appointment of vakils will also save some money, for it will not be necessary to send them to the Police Training School. The work that will be entrusted to these LL.B's will not be such as to require the training that is imparted at the Moradabad School. If I remember aright, a cut was moved during the last budget session. The said cut demanded the appointment of LL.B's in place of police inspectors as prosecuting inspectors. An assurance was given by Government that if LL.B's would be available they would be appointed. But the then Home Member added a proviso to that assurance to the effect that the LL.B's so appointed would have to undergo training at the Moradabad School. I do not find any utility in that proviso. Why should you spend money uselessly in giving people that training which their duties do not really require. The most important point that ought to be taken into consideration in connexion with this matter is that at present Government as well as others are faced with the very serious problem of non-employment among the educated classes. My friend, Mr. Ahmad Shah, has just remarked that different universities in these provinces turn out more than 500 law graduates every year. We find that junior legal practitioners are not earning anything at all. They are not getting any cases, because the number of cases is limited, while the number of vakils is unlimited. Substantial additions are being made to the existing number of advocates every year. We must find some avenue for these unfortunate persons who spent considerable money and the best part of their life in receiving education. Everybody, I expect, will sympathize with this unfortunate class. If these posts are reserved for law graduates, I think the problem of non-employment among the educated classes will be solved to some extent.

When the original resolution was moved, unfortunately I was not present, but I am told that the main argument of the Hon'ble the Home Member against it was that the resolution was unworkable. The amendment of my friend, Thakur Muneshwar Bakhsh Singh, has simplified matters to a great extent. Now the resolution is not open to any objection of that sort. The amended resolution does not make it obligatory on Government to revert all the court inspectors and their assistants to the regular line immediately. I do not now find any difficulty in giving effect to the resolution as amended by Mr. Muneshwar Bakhsh Singh. I understand that in the Punjab Province, which is adjacent to this province, a similar resolution was passed long ago and in place of court inspectors and assistant court inspectors, LL.B's are being appointed in that province. I have formed a very high

opinion of the talents and capacity of the Hon'ble the Home Member and I do not think that he is in any way less competent than the Home Member in the Punjab Province. When it has been found possible in that province to give effect to a similar resolution, I do not think it will be impossible for our present Home Member, with all his experience and ability about him, to give the proposal a practical shape.

Before I resume my seat, I think I should make an observation regarding the age of the candidates who will be employed in place of court inspectors and assistant court inspectors. If the present age limit is maintained, I am afraid no LL.B. will find it possible to enter this branch of service. An age limit has been fixed for munsifs' examination. I think the same age limit ought to be fixed for LL.B's who desire to enter this line of service. If I remember aright, the age limit is 27. Generally, people graduate in law at the age of 24 or 25. They will have two or three years before them to try to enter this branch of service.

After making these remarks, I appeal to the Hon'ble the Home Member to withdraw his opposition and to accept this very innocent resolution.

Thakur Balwant Singh Gahlot : Sir, much has already been said in favour of this resolution and I need not repeat those arguments again. I have to reply only to the few points that were raised from the opposite side. Sir, the only non-official member who opposed this resolution was Shaikh Muhammad Habibullah Sahib. Certainly, I have great respect for him. But his speech merely showed that while he was saying he has never been overawed, it looked more by analysing his speech, that in opposing this resolution he was being overawed at the present moment. Except for this point of being overawed, he took up no other point against the resolution. My friend Mr. Yusuf Ali very clearly pointed out how these magistrates were being overawed. These prosecuting inspectors never overawe the magistrates by taking cudgels in their hands. The method of overawing the magistrates has been fully described by Mr. Yusuf Ali, and if anybody challenges that, then instances can be quoted out of number.

Another point which my friend, Shaikh Habibullah, said was that we should remove the magistracy and not those persons who overawe. If the same argument is taken to its logical conclusion, then, supposing my friend goes back on his way to his home and somebody overawes him and demands some money, I think with the same amount of argument prosecution can be made not of the person who overawed, but of Shaikh Sahib. If persons overawed are to be tackled and not those who overawe, then prosecution should be of the person who is overawed. This argument has very little force. He also said that prosecuting inspectors had to do many other duties, but did not quote even a single duty except that of prosecuting cases. He said simply that they had to perform many other duties. I do not know of any other duty except that of prosecuting cases.

Mr. S. T. Hollins]

who is unbiassed is the judge. The counsel for defence is always biased in favour of the accused.

A voice : That is not criminal.

Mr. S. T. Hollins : It is a fact. I am speaking of what actually happens. I have myself engaged special counsel in many cases and when they came to me with the briefs they all adopted the same attitude and said that they were convinced that they had a good case. I will tell you what happened in the case of one very famous lawyer who was the counsel for defence in a case which I actually investigated myself. The case was convicted by the sessions court and it went up to the High Court. The day before the appeal was heard this eminent lawyer came to me and told me his line of defence. I assured him that his defence was entirely wrong and that he was going to plead what was absolutely untrue and incorrect. He said to me that he had received Rs.1,000 to defend the accused and that the line of defence I said was false was the only one he could adopt. He actually went to the High Court and put forward this defence. I contend it is quite unfair on the part of honourable members to accuse all prosecuting inspectors of bias. Then another honourable member said that prosecuting inspectors must pass the same examination as lawyers. They do this in criminal law but they do not of course pass in civil law though a course in civil law would broaden their outlook as regards things generally. But at the same time they are sufficiently educated to understand the implications of law and they have done very good work. Several prosecuting inspectors have been congratulated by the High Court on their work, i.e., by the highest tribunal in the province. Sir, I submit that it is unfair on the part of honourable members to allege that as a class they are illiterate and unfit for their duties. No, Sir, I am grateful to my friend Mr. Nursingh Rao for taking up the cudgels on behalf of the police. A good many of the honourable members have criticised the police very severely, but the police are not all bad. There are bad officers and bad men, not only in this country but throughout the world. We are doing our best to improve them. But to condemn the whole police as bad and immoral is quite wrong. We can apply this to anything. There are newspapers which are bad, but to say that because this is the case the *Leader* is bad is not proper. There was an implication in some remarks made by honourable members that our superintendents are not competent to understand the intricate problems of law. I submit that they have to pass an examination in law which is of the same standard as the examination passed by advocates and so they are fully competent to deal with the knotty problems of law. I am sorry to say that the opinion held of the Indian police generally by honourable members as gathered from their speeches is by no means as high as the opinion held by eminent people at Home. I may mention that a number of officers after having served in this Province in the Indian Police have been selected for appointment in England, the latest being Mr. Nott-Bower who is now Assistant Commissioner of the

London Police, his selection for this appointment was a great complement to the Indian Police. Therefore I say that I am grateful to those who have supported the police and I trust that those who condemn the police will be persuaded to revise their opinion. As I have pointed out we are doing all that is possible to improve our police. Government accepts the resolution as amended by Rao Narsingh Rao.

The Hon'ble the President : The original motion made was—

“That this Council recommends to the Government to revert to the regular police service all such court inspectors and assistant court inspectors in these provinces as are not graduates in law and to fill up their places by direct recruitment from amongst the law graduates.”

Since when an amendment has been moved that the words “to revert to the regular police service all such court inspectors and assistant court inspectors in these provinces as are not graduates in law and” be deleted and for the words “their places” the words “future vacancies in the posts of prosecuting inspectors and assistant prosecuting inspectors” be substituted and at the end the words “and frame necessary rules for the purpose” be inserted. Since when another amendment to the amendment has been proposed that from the proposed amendment the words “prosecuting inspectors and” be deleted.

The question is that from the proposed amendment to the original resolution the words “prosecuting inspectors and” be deleted.

The question was put and agreed to.

The Hon'ble the President : The question is that the words beginning with “to revert.....and” be deleted from the original resolution.

The question was put and agreed to.

The Hon'ble the President : The question is that for the words “their places” the words “future vacancies in the posts of assistant prosecuting inspectors” be substituted.

The question was put and agreed to.

The Hon'ble the President : The question is that the words “and to frame necessary rules for the purpose” be inserted at the end.

The question was put and agreed to.

The Hon'ble the President : The question is that the following resolution as amended be accepted :

“That this Council recommends to the Government to fill up future vacancies in the posts of assistant prosecuting inspectors by direct recruitment from amongst the law graduates and to frame necessary rules for the purpose.”

The question was put and agreed to.

RESOLUTION *RE* COERCIVE PROCESSES AGAINST LAMBARDARS FOR THE REALIZATION OF LAND REVENUE

Babu Kamta Nath Saksena : I beg to move that this Council recommends to the Government to issue immediate instructions to the district officers not to issue coercive processes for the realization of land revenue against lambardars unless the district authorities have failed to realize the same from the rent collecting co-sharers.

Sir, it is but fair that land revenue should be collected from persons who actually collect rent. I think the liability of lambardars for payment of land revenue was based on the principle that he was to collect rent from tenants, but it is not unusual to find cases where co-sharers collect rent according to custom or contract. It is to afford some protection to lambardars in such cases that I have moved this resolution. If this resolution is accepted, I do not think that the interests of Government will suffer in any way. On the other hand, it will save a lot of hardship to those lambardars who are not entitled to collect rent but who have to pay the land revenue for the whole share from their own pocket. I need not say much in support of this non-controversial resolution and without taking further time I commend my resolution for the acceptance of the House.

Mr. H. A. Lane : Sir, there is a certain difficulty about the resolution, i.e. that if the co-sharer collects rent he should pay revenue to the Government. There arise cases in which a co-sharer collects rent and pays revenue to the lambardar. If the amin goes to him and asks him to pay land revenue, he can very well say "I have already paid revenue to the lambardar, why should I pay again?" This resolution if accepted, will it seems to me, be another nail in the coffin of the lambardar. The law says that the revenue shall be paid through the lambardar. Whatever other arrangement is made is a private arrangement and it is not one which Government need recognize. The person to whom the tahsildar goes for the realization of revenue is naturally the lambardar and until he fails to realize revenue from the lambardar he does not usually go to the co-sharer. Attention has been drawn to section 265 of the Tenancy Act, which says that the lambardar is entitled to collect rent, etc. in the absence of any contract or usage to the contrary; but that section does not mention revenue at all. And the main point is revenue. The question really is whether the co-sharer has paid revenue to the lambardar or not, and it is not fair to presume that because the co-sharer has collected rent he never pays any revenue to the lambardar. The tendency has recently been to make the position of the lambardar more and more difficult. It is not the fault of Government, it is really the result of the conditions of the time. Government desire, as far as possible, to retain the status of lambardar and anything which would tend to destroy that status would, I think, be a mistake. Undoubtedly the lambardar when he is appointed realizes that he is primarily liable to pay the revenue and it is on that understanding that he takes that post; and therefore he is hardly in a position to refuse to pay revenue. There are certain practical difficulties about this resolution and it is

necessary to examine both the Tenancy Act and the Revenue Act, and until that is done I do not think it is possible for Government to issue general orders. There are different kinds of cases which arise, and to lay down any hard and fast rule, which would cover all cases, is, I think, impossible.

Khan Bahadur Hafiz Hidayat Husain: Sir, at the last session of the Council I interpellated the Government with regard to the liability of the co-sharer and that of the lambardars in cases where the co-sharer was in actual possession, and the answer of the Government then was that if the co-sharer realizes rent he is primarily responsible to the Government for the payment of land revenue through the lambardar, but if the lambardar realizes revenue from the co-sharer then in that case the lambardar would be primarily responsible. This, Sir, is the correct interpretation of the law. The question before the House, however, now is, as has been mentioned in the resolution, that unless the district authorities have failed to realize the same from the rent collecting co-sharers coercive processes should not be issued against lambardars. It is perfectly certain, as has been pointed out by the Revenue Secretary, that under section 265 of the Tenancy Act, the primary duty of the lambardar is to realize rent and pay revenue. That is true, but what about the Bhayachari villages that are interspersed all over the province and where the co-sharer realizes rent direct from the tenants. If in such cases as these, the Government looks upon the lambardar alone for payment of land revenue, the disadvantage to the co-sharer is that when entire 16 annas is divided into small bits, the lambardar realizes money from the co-sharers, not disproportionate to the amount of his share, but certainly in excess. That is to say that the lambardar realizes from the co-sharer also what is called *hagi tahsildari* in euphemistic terms. Over and above this he realizes from the co-sharers 5 per cent. over the amount of land revenue that has to be paid from that particular co-sharer. Therefore a co-sharer has to pay in excess of what he would pay if he were to pay direct into the treasury, without any service from the lambardar. I think, Sir, even executively, the object underlying this resolution can be met by the Government by the issue of a circular that in Bhayachari villages and other villages where the co-sharers realize rent direct from the tenants, the co-sharers should pay revenue directly into the Government treasury. Of course that payment would be recorded in the name of the co-sharer paid for the lambardar and things will be made easier for both, for today the lambardar is harassed by the Government for payment of land revenue when he has not realized any money from the rent collecting co-sharer. The position is that the lambardar is looked upon by the Government as directly responsible for the payment of land revenue whether he has realized rent from the tenants or revenue from rent-collecting co-sharer or not. In order therefore to relieve lambardars of this hardship I suggest to the Government to issue a circular that in villages where the co-sharers realize rent directly from the tenants they are to be held primarily responsible for the payment of land revenue and if

Khan Bahadur Hafiz Hidayat Husain]

they do not pay and the lambardar has to pay for them then the lambardar may require the Government to realize from the defaulting co-sharers as arrears of land revenue. I think that some amendment of the revenue law will have to be made to make this possible. Therefore my submission is that this very innocent resolution should not be opposed. Of course if Government feels any difficulty in accepting my suggestion then it is for it to bring about amending legislation in order to relieve the co-sharers and the lambardars both.

Saiyid Ali Zaheer : As I understand this resolution it is not intended in any way to modify the law as it exists. The responsibility primarily is upon the lambardar to pay revenue, and I believe that it is to the lambardar Government will even after this resolution has been accepted and passed by this Council, have to look for the payment of land revenue. What the resolution is aimed at, as I read it, is that no coercive processes are to be issued against the lambardar unless the district authorities have failed to realize the same from the rent-collecting co-sharers. What is intended is to meet the situation where a lambardar has not been able to realize dues from his co-sharers but all the same because he is in law liable to pay, therefore, Government forces him to pay whether he has realized it or not. It is under these circumstances that this resolution says that you should first go to the realizing co-sharer and try to get your revenue from him.

The objection that has been raised by the Hon'ble Mr. Lane does not meet this point at all. He thinks, and I think that is why he has opposed the resolution, that the idea of this resolution is to amend the law as it stands today. I believe that it is neither possible by means of a resolution to amend the law on this subject nor is it the intention of this resolution to do so. All that it requires is that Government should not issue coercive processes against lambardars in case they have failed to realize the revenue from the co sharers. If the rent-collecting co-sharers have not paid revenue to the lambardar, he can all the same be put in jail, his estate can be attached and other coercive processes can be taken against him and it is these processes which it is intended to check by means of this resolution if the ground on which the lambardar refuses to pay revenue is that his collecting co-sharers have not paid him the rent and, therefore, he cannot pay the revenue. I believe that this is a very fair and simple resolution and I commend it to the Government for acceptance.

***Khan Bahadur Maulvi Fasih-ud-din :** Sir, I am rather surprised at the opposition of the Government to this very innocent and simple resolution. I was under the impression that the resolution was so simple and so uncontested that it would be accepted in unequivocal language by the Government for the simple reason that the procedure which this resolution wants the Government to follow is actually in existence and in practice in other provinces that I know of. In other words, when the Collector finds that each co-sharer in a village collects his own rent and he finds it difficult to realize the revenue

**Speech not revised by the honourable member.*

FOR THE REALIZATION OF LAND REVENUE

from the lambardar he realizes it from the co-sharers and this he can do under the revenue law. The revenue law on the subject is simply this that the Collector should realize the revenue from the lambardar and he can also realize it from any co-sharer he likes. The law permits him to realize the revenue from the co-sharers even if the co-sharers are not in the collecting possession of the rents and when they are in the collecting possession of the rents it is incumbent on the Collector not to worry the lambardar but to realize the revenue directly from the co-sharers. I can give an example of this from Budaun itself. The Budaun town contains about 200 co-sharers and a large part of the area of the town is under cultivation. There is a lambardar for the whole of the town and the revenue used to be realized from the lambardar in days gone by. The result was that the lambardar had to suffer very much and some of the lambardars became bankrupt. For that reason one lambardar after another resigned his post and the Collector found it very difficult to get anybody to take up the post of the lambardar. The result was that the Collector appointed a lambardar and promised him that he will never realize the revenue of the co-sharers from him. Now the practice there is that the Collector realizes the revenue from each co-sharer directly and not from the lambardar. In fact if I were to draft this resolution I would have drafted it in this way that in villages where the lambardar is not in the collecting possession of the whole rent of a village, the revenue must be realized from each co-sharer. This resolution does not go far enough and it simply says that coercive processes should not be issued against the lambardar when he cannot realize the revenue of the Government from those co-sharers who are in the collecting possession of rents. I, therefore, think that the resolution does not go far enough, and is so very simple that the Government should have no difficulty in accepting it and there was no necessity of a speech by the Hon'ble Revenue Secretary.

I think that if the Government makes inquiries from the various Collectors of this province they will find that the procedure which this resolution aims at suggesting is actually followed throughout the whole province, and of course in a better form than that suggested in this resolution. I hope that the Government will accept the resolution without any further comments.

The Hon'ble the Finance Member : Sir, in the first place, I must really protest against the idea that the Government is necessarily opposing this resolution. My honourable friend, Mr. Lane, got up only to point out a few difficulties. That does not necessarily mean that he is objecting to the resolution. The opposition has assumed that he has objected to it. However, I suppose that it was necessary to assume opposition, or there would have been no reason for making speeches.

Khan Bahadur Maulvi Fasih-ud-din : I am very sorry I misunderstood him.

in very rare and deserving cases. For that reason the amount of the grant which used to be Rs.30,000 some time ago has now been cut down to about Rs.20,000, and I believe that this sum is going to be reduced still further. It is only loans at a reasonable and moderate rate of interest that can help in the growth of industries. I remember a certain case which would show in what way this board has been treating those who apply for industrial loans. A certain friend of mine who had a very big press applied for a loan of Rs.5,000 in order to start the industry of litho-printing. The board sanctioned that but ordered him to pledge the whole of his machinery as well as the building as security for the loan. He did so, but subsequently the board sent another order to him to hypothecate his landed property also and he hypothecated about Rs.10,000 worth of his property. Subsequently the board again asked him to have the whole of his press and machinery insured against fire which he did. About a year was taken in connexion with these proceedings and subsequently the board fixed the rate of interest at 9 per cent. per annum compound. To this the gentleman could not possibly agree and all the negotiations fell through. Instances of this kind are not few and I think there will be many others of a worse kind. It is for this reason that those who are interested in the industrial development of these provinces have lost all confidence in a board of this nature, and it is high time for the Government to scrap it altogether and to come out with another scheme for encouraging the people to take loans in the matter of the development of industries, both cottage and machine industries. For that purpose I think the only suitable and feasible scheme will be to have an industrial bank for giving different industrial loans and for encouraging industries. This bank should be worked not on the lines of the ordinary bank but on the lines of a beneficent institution for the purpose of helping those who are engaged in industrial work. For that reason this bank should fix the rate of interest at the lowest possible figure and should also make easy terms for all the applicants, much easier terms than those which are exacted by the ordinary banks. If this is done, then there will be some hope for the development of industries in these provinces.

I think this resolution, if accepted, will tend to a very rapid and easy development of the industries of these provinces. We all know a large number of people are anxious to support themselves, but they have not got enough capital to start industries. If any suitable and sufficient arrangements are made for subsidizing capital through these industrial banks, then the aspect of things will change very soon. I hope that the Government will kindly accept this resolution of mine and take some practical measures in this direction.

Rai Bahadur Babu Vikramajit Singh : I rise to give my whole-hearted support to the resolution before the House. The Board of Loan Commissioners was established some years ago with the avowed object of giving help to the industries, but I think that that object has not been achieved. I have been a member myself of this Board of Loan Commissioners for a number of years on behalf of the Board of

Industries. So far as the personnel of the Board of Loan Commissioners goes no objection can be seriously taken. We have got a number of agents of banks on the board ; we have got the representatives of the Chambers of Commerce, we have got the representative of the Board of Industries, but as a matter of fact the Board of Loan Commissioners has achieved very little and considering that it meets either once or twice a year not much can be achieved by such a board. I think during the last 18 months or two years we possibly have had no meeting at all. I think it must be admitted by the Government that the Board of Loan Commissioners has not been very helpful in giving loans to the various industries or in developing the industries. The object of establishing the Board of Loan Commissioners was that loans will be given to various industries and the industries of the province will be developed. But that object has entirely failed. I think, Sir, that that object can only be achieved if an industrial bank is established not only in one place but several branches of the Industrial Bank are established in places wherever there are industries. It might be said that there are banks which can advance loans to various industrial concerns but it will be found that it is very difficult for the banks which already exist to advance loans not against stocks but against blocks or machinery or building. There is no bank which advances loans against building or machinery and therefore the industrial concerns find it very difficult to run the industries in many places. Now if an industry is floated and it is found that the whole of the capital is spent in putting up the building and machinery the industrial concerns require money in order to run the concern, and no bank, neither the Imperial Bank nor the Allahabad Bank nor any other bank, which exists, will give any loan against the building or the machinery. The object of the industrial bank will be to give loan not only against stock or liquid assets but also against block or machinery, so that the needs of the industry of the province may be served. I, therefore, think that the Government will have no hesitation in accepting this resolution and in establishing industrial banks at a very early date and establishing branches in various places so that the industries of the province may be developed. It will be found that there are at present so many new industries coming into existence, e.g., sugar factories, and consequently it is necessary to advance money to the new concerns, to finance them, and this can only be done if the Government establishes industrial banks, and, as has been pointed out, the money advanced at a very low rate of interest. Therefore I hope the resolution will be accepted by the Government.

Rai Bahadur Babu Awadh Bihari Lal : This question of loans was discussed more than once in this Council. Since the establishment of this Board of Loan Commissioners their activities have seen two phases, one was when they lavished money without due security, and wasted it, now the second phase has commenced when they are giving no money to anybody, and no industry is getting advantage of a loan. When an application is made they make such impossible conditions.

which no industrialist can ever accept. They demand security of double the amount of loan. If a man has sunk all that he has in purchasing machinery and plant, then all that he can afford is the security of the machinery and plant, and he cannot double it. Even after doubling it, as my friend Khan Bahadur Maulvi Fasih-uddin illustrated, there are so many conditions imposed that it becomes impossible for anyone to borrow and a very good excuse comes forward that there were no applicants, and therefore the board had no occasion to meet. Why should anyone apply when he knows that he cannot get any money? I suggested that Government should assume some control over the factories for which it advances loans. For instance, there might be an auditor, who would check their accounts and see whether the industry is working on right lines, and is not wasting money, and the likelihood of recovering the loan continues unabated. But nothing appears to have been done. Here is now a fresh suggestion that an industrial bank be started. I have not considered all the details of an industrial bank, yet I think it should be possible to start a bank on the lines of an industrial bank which would advance money on the security of the machinery and stock.

Mr. Brijnandan Lal : Who will start it ?

Rai Bahadur Babu Awadh Bihari Lal : It ought to be possible for Government to find a way to start it, may be on co-operative lines.

The Hon'ble the Minister for Education : Show the way.

Rai Bahadur Babu Awadh Bihari Lal : It is for the heads of departments to find out. But any way, some conditions ought to be imposed and some rules ought to be framed by which any industrialist in earnest trying to establish an industry in this province, ought to be able to get a loan on equitable terms. What the method exactly should be, the financial and industrial experts should be able to devise and I have no intention to supplement the superior action of the industrial magnate in charge of the department. There is absolutely no doubt that this Board of Loan Commissioners is not functioning properly and is not giving all the assistance which the industries and factories demand and deserve.

The Hon'ble the Finance Member : I do not want to discuss this subject on its merits. But when honourable members are speaking of it, I should just like to remind them that you cannot start an industrial bank without money, and I should like them to make concrete suggestions as to whence this money is to come. If they suggest to me that Government is to provide all the money for this bank ; in that case my reply is—why have a bank? Why should not Government deal directly with the industrialist? And if there are other sources from which money may be forthcoming, I shall be very glad if they would indicate them to me, because I shall be only too glad to hear of them—for I might be able to tap them for other purposes besides industries. Any way, I do hope honourable members will remember that you cannot have a bank without money, and

in making proposals they might suggest to us whence that money will come.

The Hon'ble the Minister for Education : The resolution as it stands on the order paper has my sympathy. I have myself been conscious of the fact that the Board of Loan Commissioners is doing no good. I said so in the course of the budget debates and in answer to a question asked by my friend Rai Bahadur Babu Vikramajit Singh in March last. I gave him a statement of the loans that the Government had made through the Board of Loan Commissioners. It will be seen from that statement that most of the loans that were made had to be written off. We had a very sorry experience ever since....

Rai Bahadur Babu Vikramajit Singh : But they were not loans issued by the Board of Loan Commissioners.

The Hon'ble the Minister for Education : The statement dates back to October, 1922.

Rai Bahadur Babu Vikramajit Singh : That was not the Board of Loan Commissioners, and it is right up to date.

The Hon'ble the Minister for Education : So it includes the loans made on the recommendation of the Board of Loan Commissioners since the formation of that body. Some of the members who have spoken have complained of the stringency of the terms imposed by the Board. They have said that the security demanded has been absurd. The security that was furnished by those who borrowed from us proved insufficient in most cases. That is a fact which cannot be disputed. We have not been able to recover many of our loans. We had to write off a large number of them, and we have very little hope about those that are still outstanding. My friend, Babu Vikramajit Singh, has admitted that there is nothing wrong with the composition of the Board. It is representative of all interests : it has on it experts whose opinion ought to be reliable. But actual experience has shown that the recommendations of the Board have not been free from fault. The proposal, Sir, before the House is that because the Board of Loan Commissioners has not been a success, we should now try our hands with industrial banks. My friend, the Hon'ble the Finance Member, has just put a very pertinent question. Industrial banks require funds : they require capital : they require deposits, and it is that money which can be utilized for the giving out of loans.

Rai Bahadur Babu Vikramajit Singh : Government have enough credit to get deposits.

The Hon'ble the Minister for Education : Banks cannot work on credit alone. We must have capital, and we must have actual cash by way of deposits. No body has yet told us as to how this capital can be raised. Then, Sir, if there is complaint that the Board of Loan Commissioners have been too strict in their dealings, I rather fear that a bank would be stricter still. It has got to look after its capital, unless Government stand guarantee in the case of every loss. I am not showing all this with a view to throw cold water on the proposal which has been made. It has in fact been engaging my most serious

[The Hon'ble the Minister for Education.]
 attention for some time, and I wish that a way could be found by which easy finance could be made available to the industries of the province. As I stated in the course of a speech in the budget session, we have just now a committee of experts inquiring into the whole question of reorganization of the Industries Department and the way in which it can render assistance to industries. One of the most important questions under investigation is that of the provision of finance. Recommendations of that committee have not yet been made. I hope they would be able to show us a way whereby we could do something in this direction. Then, Sir, the Government of India have just called a conference of Industries Ministers of the whole country. This conference will meet in Simla about the 13th of July. One of the most important matters for discussion there is this very question of finance for industries. We are all going to put our heads together there and I hope very much that some solution may be found. As I said when I started speaking, I am in entire sympathy with the object which the mover of the resolution has in view, but my difficulty is that I do not yet see any practical way of giving effect to his wishes.

Mr. C. Y. Chintamani : It was on the recommendations of an expert committee that the Board of Loan Commissioners was instituted. That committee was set up to consider the very question upon which the Hon'ble Minister has now discoursed. That committee considered the practicability at that time of the establishment of an industrial bank and reported to Government that they thought the time was not propitious for that step and therefore they were content with the smaller recommendation to set up a Board of Loan Commissioners. For some time after its establishment, there was no complaint that the Board of Loan Commissioners did not meet frequently or did not act with sympathy and consideration ; the complaint is of later date.

The Hon'ble the Minister for Education : There is no complaint.

Mr. C. Y. Chintamani : The Hon'ble Minister says there is no complaint. The Hon'ble Minister will perhaps do well to be less cynical and more serious at least in Council. To what has he just replied if not to complaints? Nor on the present occasion only. I may just refresh his memory. A complaint was voiced on the floor of the House when the report of the Public Accounts Committee came up for discussion some time ago and there was a discussion between the Hon'ble Minister and myself on that occasion also. I remember that the Hon'ble Rai Bahadur from Cawnpore who sits to my right (Rai Bahadur Babu Asadh Bihari Lal) took part in that discussion too and made the same criticism of the Board of Loan Commissioners which he has made today with regard to the severity of the terms which they imposed upon intending borrowers. The Hon'ble Minister may entirely disagree with the views of men less high than himself but he has no right to say that there is no complaint after answering the complaints that were uttered. The complaints against the Board of Loan Commissioners, as I have stated, are of latter day origin. They date back to an earlier time than the ministership of the present incumbent of the office ; they

have continued during his incumbency of the office. The attitude of the Government is, in my deliberate opinion, the main factor responsible for all these complaints. I charge the Government—I make that charge deliberately and not without knowledge—that they have not followed a policy of encouragement ; they have done whatever a Government could do to discourage the success of the Board of Loan Commissioners and its expansion into something bigger. This charge is not against the present Minister alone. It is against the Government as a whole and for longer years than the tenure of the present Minister. The present Minister was known to be one of the stern and relentless critics of the Department of Industries and of the Government.

The Hon'ble the Minister for Education : No.

Mr. C. Y. Chintamani : Yes. It is true in all conscience and I repeat this statement. Therefore, as one of the victims of that relentless attitude of his towards the Industries Department I waited and watched to see with particular interest what were the achievements which he, as Minister of Industries and as the first expert to hold that office, would accomplish to outshine his predecessors and to show that the Department of Industries could be a very grand and glorious success. Like the honourable member who sits behind him, when he was the Registrar of Co-operative Societies (Mr. P. M. Khar gat) so the Hon'ble Minister only regales the Council with tables of the failure of the department and not with any account of what he has been able to do to make it a success. He has been the Minister of Industries for 2½ years and for an expert like him it should have been a long enough period to do something to show some result or at all events to put forward some constructive proposals of a practical nature with a view to make the department less of a failure and more of a success. All that he has been able to say so far is that one more expert committee is sitting and he is waiting for its recommendations and further that there will be a conference of Ministers of Industries in Simla and that may produce some result. Long ago I too had an opportunity of attending a conference of Ministers of Industries and since then there have been more conferences. With my personal experience as Minister as well as the experience gained in subsequent years I must utter a warning to the Council not to be led away by any expectation that either the expert committee or the Conference of Ministers to which the Hon'ble Minister has referred will produce any good results on which they will have occasion to congratulate themselves. That will all depend upon the sympathy they show and if they mean business. The question is whether they do or do not mean business. The Hon'ble the Finance Member asked wherefrom was the money to come for the establishment of an industrial bank and if that money was to be found by the Government then why establish the bank. Why should not the intending borrowers deal direct with the Government ? The latter part of this statement is unexceptionable. But as to the first part I would ask the Hon'ble the Finance Member who has a vast and unsurpassed knowledge—unsurpassed so far as the people

Mr. C. Y. Chintamani]

here are concerned—from where money has been found for similar institutions, namely, industrial banks, land mortgage banks and such other institutions by the Governments of other countries. Certainly a large part of the capital is subscribed by shareholders, but the Governments encourage people to come forward as shareholders, as investors to put their money by giving certain facilities and by creating confidence in them. The question, therefore, was not necessary as I do not think that the honourable mover would have meant that an institution like this should be financed entirely by the Government out of public revenue. My warning to the honourable mover and his supporters with regard to this resolution is this. The negative recommendation in the earlier part of the resolution that the Board of Loan Commissioners should be abolished, Government will only be too willing to carry out without any loss of time. But if the honourable mover expects that the acceptance by Government of the latter and constructive part of the resolution, namely that the Government should take practical steps to bring about the early establishment of an industrial bank would follow as a logical sequence of the acceptance by Government of the first part, I warn him that he will be lending himself to a very serious disappointment. I warn him and his supporters that any assurances that Government may give in the language of sympathy that they will consider, that they will appoint a committee, that they will do what they can are not worth the paper on which they are written or the breath with which they are uttered. The record of Government so far as constructive achievements in these spheres is concerned is a record which is a warning to people not to place too much confidence in such assurances. I do not think any advantage will be gained by the abolition of the Board of Loan Commissioners because I am certain in my mind that that will not be followed by the acceptance of the second part of the resolution. I may ask what advantage is there in its nominal acceptance—the acceptance of the abolition of the Board of Loan Commissioners. What the Council needs is the strength and will to press the Government strongly, to press the Government repeatedly and to bring home to the Government in a manner by which it can show that it insists upon the Government making this Board a real live body to achieve the purposes for which it was established, or doing something better still in order to improve the industries of the Province. But simple appeals to Government and mere assurances given by the Government will bring about no result whatsoever.

As regards the question of money, the present is hardly the time when the Government should feel nervous about appeals which are not for additional grants but for loans properly secured. Sir, anything can be done in the twinkling of an eye when non-Indian interests are concerned, I need only refer to the recent scandalous transaction of the purchase of silver from the Government of India by the British Government to show that where non-Indian interests are involved no possible difficulty stands in the way. But when the interests of Indians are concerned, of those who pay taxes, and of whom and whose interests the Government pretends audaciously to be the

guardian, when their interests are involved, there is no money, there is no knowledge, there is no experience and there are no facilities. Everything before them is a vast wilderness of difficulties. This is because the Government have no will to act and put off people with the consolation of shadowy excuses. I am not going to vote in support of this resolution, because of the real apprehension in my mind that the only consequence will be the abolition of the Board and no action whatsoever on the second part of the resolution.

*** Khan Bahadur Maulvi Fasih Uddin :** Sir, the only difficulty that has been pointed out by the Hon'ble the Finance Member in the way of the acceptance of this resolution is the absence of capital required for the establishment of a bank of this kind and he puts a direct question where the money is to come from. I have thought of one scheme. It is this that Government might lend out its savings through an industrial bank. That would be one way of doing this. Then loans can also be raised easily. Only recently a certain loan was issued at 4 per cent. and it was subscribed in a short time. This shows that capital is forthcoming very freely ; this may be due to the fact that there is slackness in trade and the investors are eager to invest it in some form or other. That would be another way of doing the thing. Another way has been suggested by the last speaker, namely, starting the bank in the same way in which co-operative banks were started in various districts. However, this is a matter for the consideration of the Government and if the Government is anxious to have this bank as the Hon'ble the Minister has admitted that he is anxious, then some way out of the difficulty can be found. There is no doubt that the present Board of Loan Commissioners has become a defunct body for some reason or other. That is not the question before me. But I may assure the last speaker that my idea is not to insist on one part of the resolution and not on the other. The first part of the resolution is conditional on the starting of the industrial bank. In any case as I find that there is a fear on the part of some of the members of this Council that if this resolution is pressed to a division and if carried the Government might accept one part of it and not the other, and in view of the fact that the Hon'ble Minister has assured us that he is looking into the matter seriously, I beg to withdraw the motion.

The Hon'ble the President : Is it your pleasure that the motion be withdrawn ?

The Hon'ble the Minister for Education : Could I reply to some of the points raised by Mr. Chittur ?

The Hon'ble the President : The honourable member may leave to withdraw. The motion now before the Council is that the resolution be withdrawn. If the honourable member wishes the resolution is not allowed to be withdrawn and he must speak again. Is it your pleasure that the resolution be carried ?

The resolution was, by leave, withdrawn.

SESSIONS JUDGES INSTEAD OF BY THE DISTRICT OR SENIOR MAGISTRATES.

Pandit Joti Prasad Upadhyaya : *I beg to move "that this Council recommends to the Government to have the Criminal Law modified in such a manner as to get all criminal appeals heard by Sessions Judges instead of by district or senior magistrates."

Sir, the request embodied in this resolution is a very reasonable one and, if conceded, it will, I am sure, be appreciated very greatly by all right-thinking men not only in this Province but throughout the whole of our country. It is a commonplace thing that the appeals from the decisions of second and third class magistrates are, under the present provisions of law, not heard very carefully by the district magistrates and the first class magistrates, who are empowered by the local Governments to hear these appeals. There can be one objection probably from the side of Government that this change in the law can only be made by the Indian Legislature and not by this House; but as far as I am aware this Government can introduce legislation in this House for amending the provisions of the Code of Criminal Procedure and send that to the Government of India. If this is not practical, another suggestion will be that the local Government may send a recommendation to the Government of India that the law be so modified as to make it legal for these appeals to be heard by the Sessions Judges of the districts.

Now, Sir, these appeals from the decisions of the second and third class magistrates, as I have said just now, are not heard in a judicial manner in the courts of the district magistrates and other magistrates, because the latter are more or less executive officers and not judicial officers in the strict sense of the word. The Sessions Judges whose primary business is to decide cases and to do judicial work are certainly more competent and more capable than the magistrates to hear these appeals from the decisions of these subordinate magistrates. I think it is common experience that in hearing such appeals the district magistrates and other magistrates empowered to hear them do not apply the same amount of trouble, the same amount of judicious care that is applied in hearing appeals from the decisions of first class magistrates by the Sessions Judges. There are other reasons also which of course it would be much better not to put before this House for which this reform is very urgently needed. I therefore commend this resolution for the consideration of the House and I hope the House will accept it.

Pandit Shri Sadayatan Pande : I rise to give my whole-hearted support to this resolution. The resolution as it stands seeks for a very simple modification in the criminal law based on everyday experience of magistrates and the litigant public and the lawyers. The manner in which the district magistrates and first class magistrates especially empowered to hear such appeals have heard the

* Originally tabled by Kunwar Girwar Singh.

appeals have made the public think that true justice is not administered in their courts. The appeals are, it has been found, heard in a somewhat haphazard manner. That amount of scrutiny and care which an appellate authority ought to apply to cases in appeal is not applied by those courts because there is a good deal of difference between the executive and the judicial mind. The Sessions Judges are capable of disposing of appeals in a more judicial and dispassionate manner than the district magistrates. The link between the magistrate subordinate to the district magistrate and the district magistrate is so natural that he does not generally upset judgments passed by the lower court. The order of the lower court howsoever incorrect, is not corrected in many cases. In many cases, it has been seen that the appeals have been incorrectly heard and naturally the decision has been in a wrong direction. That amount of confidence which is enjoyed by judges at the hands of the public is not enjoyed in matters like this by the district magistrates. So in view of these facts it seems but imperative that necessary modifications in the criminal law if possible should be made by the local Government and if it is not possible to do it here, they should make a recommendation to the Government of India so that the desired modifications are made.

The Hon'ble the Home Member : Sir, I wish to tell the House straightaway that there is no question of principle involved in this resolution. Appeals from first class magistrates go to Sessions Judges. The honourable member's proposal is that appeals from second and third class magistrates should also go to Sessions Judges. I have had figures taken out of the number of appeals from second and third class magistrates and for the year 1931 we find that there were about 9,000 such appeals. Well, if the Council thinks that all these appeals should go to the Sessions Judge we estimate that 8 or 9 more Sessions Judges would be required and the House can understand what the extra expenditure involved would be, and then it is very likely that these 8 or 9 extra judges would have to be peripatetic judges. Therefore the question really boils down to this : if the House thinks that the matter is so urgent that they are prepared to spend so much extra money on these appeals, it is for the House to say so. A further point which the House might consider is—are these appeals really of such a nature that they must be heard by Sessions Judges ? They are mostly appeals from the decisions of honorary magistrates of cases on complaint. So I do not think it can be said that the district magistrate or the deputy magistrate who hears the appeals is in any way prejudiced in deciding those appeals because they are generally not police cases. They are mostly cases of complaint. The question is really part of the bigger question of the separation of executive and judicial functions and I very much doubt, even if a proposal were to go from here to the Government of India that the Criminal Procedure Code should be amended in this way, whether they are likely to do it for one province only and it is also very likely that they will say that this question might be taken up with the larger question of the

The Hon'ble the Home Member.]

separation of executive and judicial functions. What really seems to matter is that the decisions of honorary magistrates should really be such that there are few appeals and those that there are, there should be no difficulty about them. Then again, when the question of the renewal of the powers of honorary magistrates comes in, the Sessions Judge will presumably have to report on their work as he will hear appeals from their decisions and the district magistrate practically will have no concern with their case work. This is a point which requires consideration. I think that the real object should be that the work of the second and third class honorary magistrates should be satisfactory. We are trying to do as much as we can in that direction. There is no question of principle involved. It is for the House to consider whether they regard the matter as so urgent that they are prepared at present, when so many urgent projects are waiting for want of funds, to recommend a proposal which will cost extra money. That is the real issue before the House.

Khan Bahadur Saiyid Jafer Hosain: I support the resolution moved by my honourable friend Pandit Joti Prasad Upadhyaya. I admit that there are difficulties in the way of Government giving effect to the meaning and intention of the resolution, but they can very well send up the proceedings on this resolution to the Government of India with a strong recommendation that the Government of India should take up this question in right earnest. The difficulties pointed out by the Hon'ble the Home Member can be justified, but our main objection to appeals being heard by senior magistrates and district magistrates is not on the score as that pointed out by the Hon'ble the Home Member. Our main complaint is that they cannot give the same amount of time and care to these appeals as are given by Sessions Judges. I have been myself a practising lawyer for the last 22 years—I have been practising on the criminal side—and I have often found that these appeals are taken up at the fig end of the day. Generally they are taken up after 3 p.m. and they are disposed off in a very short time. This is a most serious complaint. Of course, the magistrates have other duties to perform. They have police chalan cases, and they attend to them first, and when they find time at the end of the day they give that time to these appeals. I do not know about other districts—but I know about three or four districts where the district magistrates as a rule do not hear appeals from the decisions of second and third class magistrates. My submission is that this is a very innocent resolution. The Hon'ble the Home Member has pointed out that the number of appeals will be so large that Government will have to provide additional sessions judges to hear them. I do not admit that contention. My submission is that if the work is disposed off expeditiously and with a judicial mind and when the litigants find that their appeals are heard by sessions judges and assistant sessions judges, I think the number will come down considerably. My friend's main point in moving this resolution is that the general public have greater confidence in sessions judges than they have in senior magistrates.

Rai Bahadur Babu Vikramajit Singh : Sir, I rise to support the resolution before the House. This resolution has got some relation to the separation of judicial and executive functions. The question has been before Government for a number of years, and we all remember that a committee was appointed with Sir Louis Stuart as President and that committee recommended the separation of the two functions and put before the House a workable scheme. But somehow or other that has not materialized. But I consider, Sir, that a correct decision in appeal is more important even than a correct decision by the first court inasmuch as when a case is decided by an appellate court the question of fact is determined once for all and that matter cannot be taken up in revision to the High Court. So a mistake of fact cannot be corrected if the mistake is made. It must also be remembered that appeals under sections 107 and 110 used to be heard by the district magistrates at one time. But strong objection was taken to that and the law was amended and appeals are now heard by sessions judges. With regard to the cases which are heard by second and third class magistrates, I think it is desirable in the interests of the people that they ought to be heard by the judges rather than by the district magistrates or senior magistrates. The district magistrates have not got sufficient time nowadays to devote to judicial work. Their hands are full with political work and other miscellaneous work of an important kind, and so it is not possible for them to do full justice to the cases which come up before them. I think that it is in the experience of all criminal lawyers who have had occasion to appear before senior magistrates and district magistrates that they cannot give sufficient time to hearing appeals patiently, and so it is desirable that such appeals should be heard by the sessions judges or the assistant sessions judges.

The Hon'ble the Home Member has observed that it is really a question of appointing a number of additional district and sessions judges to dispose of appeals. Here, Sir, we are chiefly concerned with cases where the sentence of imprisonment is inflicted by second and third class magistrates. It must be remembered that if a respectable gentleman or zamindar is convicted and sentenced to imprisonment, an appeal in a case like this is heard very summarily by a senior magistrate or a district magistrate, and the man concerned receives no satisfaction whatever. I submit that Government ought to be prepared to undergo even an additional expenditure in a matter like this. Their estimate of the cost may be somewhat exaggerated, for I feel that some of these cases could be disposed of by sub-judges who may be invested with the powers of assistant sessions judges. Even if this right is restricted to cases where the sentence of imprisonment is inflicted, probably that would give satisfaction. Therefore in order to remove a just and *bona fide* grievance of the public the Government ought not to hesitate to spend a little money if that is really necessary, for after all the liberty of a subject is a matter of great importance. It seems to me that the resolution ought to be acceptable to Government, because it is only part of a larger question relating to the

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separation of judicial from executive functions. With these few words I support the resolution.

Khan Bahadur Maulvi Fazlur Rahman Khan : I rise to oppose the resolution and regret that I find myself unable to agree with the leader of my party on the present occasion. The resolution, as it stands, cannot be supported by any one who is conversant with the criminal law. Had the resolution aimed at transferring the appeals against sentences of imprisonment alone to the sessions judge, I would have supported it. If the resolution is accepted the Criminal Procedure Code will have to be amended. The question before the House is not of sufficient importance to justify that amendment. It is a matter of common knowledge that appeals in petty cases only go to the courts of district magistrates. The orders passed by the second and third class magistrates only are appealable to the district magistrates. Generally a sentence of fine is inflicted by these magistrates. It is only in rare cases that they award imprisonment. Sessions judges are overworked. If all these petty appeals are transferred to their courts, I am afraid they will find it impossible to cope with the work. It was argued that if sessions judges do not find time to dispose of all these appeals they should be authorized to transfer them to the file of assistant sessions judges. I think I can say without any fear of contradiction that assistant sessions judges are not so experienced in criminal law as district magistrates and senior magistrates are. The change therefore will not be for the better. A revision against the order passed by the district magistrate on appeal lies to the sessions judge. If the appellant has any grievance, he can go to the court of sessions judge and have his grievance redressed. There is yet another reason why the proposal should not be accepted. It is this. If all criminal appeals are transferred to the sessions judge, the district magistrate who is a very highly paid officer will have to do very little case work. But as he performs other important duties also he will have to be retained. Substantial additions will have to be made to the cadre of sessions judges to enable them to dispose of the increased work. The proposal will therefore entail considerable expenditure. For these reasons I think the resolution should be rejected by the House.

Pandit Joti Prasad Upadhyaya : Sir, certain difficulties have been pointed out in the way of the acceptance of the resolution which is now before the House. One is that it will entail extra expenditure of public funds, for additional sessions judges would be required for hearing these appeals. But as has been pointed out by the Hon'ble the Leader of the Constitutional Party, the law may be so amended that the appeals from the judgments of second and third class magistrates be heard by the assistant sessions judges instead of these magistrates. I do not think that it will involve any extra expenditure, as subordinate judges who are sometimes invested with the powers of assistant sessions judges draw practically the same salary as the magistrates of first class who are empowered to hear these appeals and possibly much less than what the district magistrates generally get. I know

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JUDGES INSTEAD OF BY THE DISTRICT OR SENIOR MAGISTRATES

certain districts in which additional district magistrates are appointed merely for the purpose of hearing such appeals. Those additional district magistrates are generally I. C. S. officers and they are much more costly than the subordinate judges who are invested with the powers of assistant sessions judge of the High Court. I think that argument is sufficiently met, and I am positive that no extra expenditure would be required by the Government for accepting this resolution. One honourable member sitting to my immediate right has opposed this resolution on the ground that it is not of such a great urgency that it requires any immediate consideration. Well, Sir, with the little experience that I possess I think some persons who are convicted by second and third class magistrates and are sentenced to a sentence of small fine, are as keen and anxious for having their appeals heard in a judicious manner by a competent judge as anybody else who has been convicted and sentenced to a term of imprisonment. To such a man it becomes a question of honour and he becomes willing to spend hundreds of rupees for having his appeal heard judiciously and getting the sentence set aside, even though it may be a sentence of fine of a few rupees. That question, therefore, does not arise at all.

Another argument made out by the Hon'ble the Home Member was that it would perhaps not be possible for the Government of India to accept this reform only in the case of one province. But if this resolution is accepted by the Government, the Government of India may consider the proposal of introducing legislation with the object of amending the criminal law for the whole of India. This change in law, if made applicable to the whole of India, would certainly be welcome by all sections of people throughout the country. I therefore submit this resolution for the consideration of the House and I hope that the House will accept it without any difference of opinion.

The Hon'ble the President : The question is that this Council recommends to the Government to have the Criminal Law modified in such a manner as to get all criminal appeals heard by Sessions Judges instead of by district or senior magistrates.

The question was put and agreed to.

The Council was adjourned at 4.5 p.m. till the following day.

APPENDIX A

(See page 79 *supra*)

Statement referred to in part (g) of the answer to starred question no. 2 of 28th June, 1933, asked by THAKUR RAMPAL SINGH SAHIB

*District.**Meerut—*

Dehra Dun	169
Saharanpur	527
Muzaffarnagar	398
Meerut	1,199
Bulandshahr	415
Total	2,708

Agra—

Aligarh	884
Muttra	600
Agra	1,039
Mainpuri	259
Etah	776
Total	3,558

Rohilkhand—

Bareilly	140
Bijnor	315
Budaun	233
Moradabad	491
Shahjahanpur	110
Pilibhit	180
Total	1,469

Allahabad—

Farrukhabad	1,066
Etawah	346
Cawnpore	3,034
Fatehpur	711
Allahabad	2,488
Total	7,645

Jhansi—

Jhansi	266
Jalaun	54
Hamirpur	587
Banda	187
Total	1,094

Benares—

Benares	1,309
Mirzapur	173
Jaunpur	130
Ghazipur	632
Ballia	321
Total	2,565

Gorakhpur—

Gorakhpur	903
Basti	..	..	..	..	75
Azamgarh	..	..	..	..	91
Total				..	1,069

Kumaun—

Naini Tal	..	..	..	..	473
Almora	..	..	..	..	177
Garhwal	..	..	..	..	155
Total				..	805

Total, Agra .. 20,913

Lucknow

Lucknow	1,498
Unnao	..	..	..	..	389
Rae Bareilly	..	..	..	..	733
Sitapur	..	..	..	..	287
Hardoi	..	..	..	..	384
Kheri	..	..	..	..	119
Total				..	3,410

Fyzabad—

Fyzabad	180
Gonda	..	..	..	..	188
Bahraich	..	..	..	..	190
Sultanpur	..	..	..	..	94
Partabgarh	..	..	..	..	353
Bara Banki	..	..	..	..	105
Total				..	1,200

Total, Oudh .. 4,610

GRAND TOTAL .. 25,523

APPENDIX B

(See page 80 *supra*)

Statement referred to in the answer to starred question no. 5 of 28th June, 1933, asked by THAKUR RAMPAL SINGH SAHIB

Number of places at which additional police has been kept to check the Civil Disobedience movement since 1930 Forty-six.

Rs.

Amount of punitive tax imposed on the residents of those localities 1,07,309

APPENDIX C

(See page 80 *supra*)

Statement referred to in the answer to starred question no. 8 of 28th June, 1933, asked by THAKUR RAMPAL SINGH SAHIB

District	Number of ejectments of tenants from their holdings through Court processes in the year		
	1929-30	1930-31	1931-32
1. Allahabad	2,412	3,966	3,025
2. Rae Bareilly	1,959	1,436	1,206
3. Unao	4,184	1,990	2,390
4. Etawah	1,656	4,132	2,338
5. Cawnpore	1,976	3,545	2,599

APPENDIX D

(See page 81 *supra*)

List referred to in reply to part (c) of starred question no. 10 for
28th June, 1933, asked by THAKUR RAMPAL SINGH SAHIB

Serial no.	Age	Educational qualifications	Social status	Number of stripes
1	23	Illiterate	Cultivator	20
2	23	Read and write	Do.	20
3	26	Do.	Private service	20
4	23	Do.	Shop-keeper	20
5	26	Do.	Student	20
6	24	Illiterate	Private service	20
7	25	Read and write	Do.	15
8	30	Illiterate	Cultivator	20
9	30	Do.	Ordinary	20
10	16	Do.	Do.	15
11	17	Do.	Do.	15
12	21	Do.	Do.	15
13	16	Do.	Do.	12
14	21	Do.	Do.	15
15	13	Do.	Do.	10
16	18	Do.	Do.	10
17	18	Literate (Hindi knowing)	Do.	15
18	23	Illiterate	Do.	15
19	22	Do.	Do.	15
20	25	Do.	Do.	10
21	25	Do.	Do.	10
22	18	Do.	Do.	10
23	19	Do.	Do.	10
24	35	Do.	Do.	10
25	42	Do.	Do.	15
26	19	Literate (Hindi and English knowing).	Do.	20
27	36	Illiterate	Do.	20
28	18	Literate (Hindi knowing)	Do.	15
29	24	Illiterate	Do.	15
30	14	Literate (Hindi knowing)	Do.	12
31	17	Nil	Nil	22
32	20	Nil	Nil	15
33	33	Knows Hindi	Ordinary	15
34	35	Illiterate	Do.	15
35	40	Do.	Do.	15
36	28	Read up to X class (S. L. C.) and a graduate of Kashi Vidyapith.	Member of a joint family of three partners holding a landed property of about Rs.1,500 rental value.	15
37	18	Nil	Ordinary class	25
38	21	Read and write	Do.	25
39	32	Nil	Do.	30
40	24	Hindi knowing	Do.	30
41	16	Nil	Do.	20
42	20	Nil	Do.	25
43	20	Nil	Do.	25
44	22	Nil	Do.	30
45	24	Nil	Do.	20
46	23	Read and write	Do.	20
47	30	Nil	Do.	20
48	24	English knowing	Do.	15
49	25	Read and write	Do.	15
50	20	Nil	Do.	30
51	21	Nil	Do.	25

Serial no	Age	Educational qualifications	Social status	Number of stripes
52	27	Illiterate	Ordinary	20
53	22	Do.	Do.	30
54	18	Do.	Do.	20
55	22	Hindi knowing	Ordinary agriculturist	15
56	28	Illiterate	Do.	20
57	19	Hindi knowing	Do.	25
58	25	Do.	Do.	30
59	18	Do.	Do.	30
60	25	Read and write	Not known	12
61	30	Do.	Do.	12
62	30	Illiterate	Do.	20
63	20	Do.	Service	30
64	18	Do.	Do.	30
65	25	Do.	Cultivation	30
66	35	Do.	Service	30
67	18	Read and write	Shop-keeper	30
68	19	Illiterate	Labour	30
69	19	Do.	Do.	30
70	23	Do.	Cultivation	30
71	23	Read and write	Zamindari	30
72	25	Illiterate	Cultivation	30
73	16	Do.	Shop-keeper	30
74	21	Read and write	Zamindari	30
75	24	Do.	Shop-keeper	30
76	17	Do.	Student	7
77	25	Do.	School teacher	25
78	28	Urdu and Hindi	Zamindari	25
79	30	Do.	Do.	25
80	22	Sanskrit student	Not known	30
81	23	Nil	Cultivator	26
82	19	Read and write	Ordinary	4
83	23	Illiterate	Do.	25
84	30	Hindi knowing	Cultivation	24
85	25	Illiterate	Do.	24
86	19	Do.	Cloth dealer	15
87	17	Do.	Labourer	15
88	33	Literate	Cloth merchant	30
89	19	Illiterate	Labourer	30

APPENDIX E

(See page 82, *supra*)

Statement referred to in the answer to part (c) of starred question no. 11 of 28th June, 1933,
asked by Thakur Rampal Singh Sahib

Number of times the police or military opened fire or resorted to lathi or baton charges for dispersing unlawful assemblies with places of occurrence and number of casualties

District	Firing			Lathi or baton charges		
	Firing	Place of occurrence	Casualties		Place of occurrence	Casualties
			Deaths	Injuries		
Dehra Dun Saharanpur	Public roads	.. 5
	Saharanpur town	.. 1
					Hardwar	A few in-
					Hardwar	juries.
					Hardwar	1
Muzaffarnagar Meerut					Gurukul	100
					Roorkee	12
					Jhabnera	A num-
						ber of
						injuries.
					Sarsawa	50
					Deoband	3
					Malaindi	..
					Two in Baghpat circle	Not
					A village the name of which	known.
					not reported to Government.	..
					Baraut	..
					Meerut City	Not
					Meerut City	known.
					Meerut City	..

Number of times the police or military opened fire or resorted to lathi or baton charges for dispersing unlawful assemblies with places of occurrence and number of casualties—(continued)

District	Firing			Lathi or baton charges			Casualties	
	Firing	Place of occurrence	Casualties		Lathi or baton charges	Place of occurrence	Deaths	Injuries
			Deaths	Injuries			Deaths	Injuries
Bulandshahr ..	1	Gulaothi ..	3	9	14	Three other places the names of which not reported to Government.	..	Not known.
						Tahsil (Sadr) ..	..	..
						Khurja ..	..	..
						Village Ranehra ..	..	..
						Village Seidpur ..	..	..
						Two instances at Bulandshahr	..	..
						Jehangrabad ..	..	..
						Jehangrabad ..	..	..
						Six instances at Sikandrabad ..	..	..
Aligarh ..	..	..	..	..	2 {	Government High School gate	6	1
						Aligarh Edward Park ..	..	..
Muttra ..	..	..	..	..	..	..	..	..
Agra ..	..	..	..	..	2	Firozabad ..	..	..
Mainpuri ..	1	Chatrapur hamlet, police station Kishni.	..	6	..	Village Baroda ..	..	..
Etah ..	1	Soron ..	2	3	..	..	..	..
Bareilly ..	..	..	..	..	..	..	..	..
Bijnor ..	..	..	..	..	..	..	..	..
Budaun ..	1	Jagannathpur ..	2	1	1	Jagannathpur ..	..	3

Number of times the police or military opened fire or resorted to lathi or baton charges for dispersing unlawful assemblies with places of occurrence and number of casualties—(concluded)

District	Firing	Firing			Lathi or baton charges	Lathi or baton charges		
		Place of occurrence	Casualties			Place of occurrence	Casualties	
			Deaths	Injures			Deaths	Injuries
Banda	1	Babaru ..	..	4
Benares	1	City	4	..	..	Clock Tower, Mirzapur	..	.. 4
Mirzapur	2	Mirzapur Jail	..	2
Jaunpur	1	Jaunpur Kutcherry	..	..
Ghazipur
Ballia
Gorakhpur	1	Name of place not reported to Government.	..	..
Basti
Azangarh	1	Name of place not reported to Government.	..	..
Naini Tal
Almora	1	Municipal office	..	7
Garhwal

Lucknow	1	Aminabad (City)	2	12	2	Mall Road, Lucknow	144
Unao ..	..	..	..	..	..	..	..
Rae Bareilly	..	..	..	..	..	..	17
Sitapur	..	..	..	..	..	..	..
Hardoi	1	Simaria	3	19	1	Sheoratanjanj	Not known.
Kheri ..	..	..	..	..	..	..	..
Fyzabad	..	..	..	..	..	..	..
Gonda	..	..	..	..	..	..	..
Bahraich	..	..	..	..	..	..	..
Sultanpur	..	..	..	..	..	..	..
Partabgarh	1	Kahla	3	25	2	Bela Partabgarh	..
Bara Banki	..	..	..	..	..	Roor ..	..
Total	16	..	25	98	67 plus certain charges in General-ganj, Cawnpore.	..	384 plus injuries at Hardwar and Jhabera mentioned against Saharanpur above.

APPENDIX F

(See page 86 *supra*)

List referred to in the answer to part (c) of starred question no. 26, asked by BABU RAM BAHADUR SAKSENA SAHIB on 28th June, 1933

1. Hindi Sahitya Sushma, Parts I—III, by Pandit Chandra Mauli Shukla, M.A., L.T., and Banu Janki Saran Varma, B.A., published by the Krishna Press, Allahabad.
2. Sahitya Pradip, Parts I—III, by Rai Sahib Shyam Sundar Das, B.A., published by the Indian Press, Limited, Allahabad.
3. Sahitya Sanchaya, Parts I—III, by Krishna Deo Prasad Gaur, published by Ram Charan Lal & Bros., Lucknow.
4. Sahitya Sarita, Parts I—III, by Mr. Moti Lal Jain, M.A., published by University Book Depot, Agra.

APPENDIX G

(See page 86 supra)

List referred to in the answer to part (d) of starred question no. 26 asked by BABU RAM BAHADUR SAKSENA SAHIB, on 28th June, 1933.

Hindi Literary Readers

1. Hindi Sahitya, Parts II—IV, by Pandit Ram Chandra Shukla, published by the Hindustani Book Depot, Lucknow.
2. Hindi Shiksha, Parts II—IV, by Pandit Padam Singh Sharma, Pandit Ganesh Prasad Dwivedi, M.A., LL.B., and Pandit Joti Prasad Misra, "Nirmal," published by the Hindi Press, Allahabad.
3. Bhasha Pradip, Parts I—III, by Rai Sahib Thakur Shiva Kumar Singh, published by the Sahitya Publishing House, Cawnpore.
4. Hindi Sar Sangrah, Parts II—IV, by Kali Das Kapur, M.A., L.T., published by the Agarwala Press, Allahabad.
5. Sahitya Mani Mala, Parts I—III, by Pandit Daya Shankar Dube and Pandit Ganga Narain Dwivedi, published by Lala Ram Narain Lal, Allahabad.
6. Saraswati Saurabh, Parts I—III, by Mr. Dharendra Varma, M.A., and Dr. Babu Ram Saxena, M.A., D.LITT., published by Saraswati Publishing House, Allahabad.

Urdu Literary Readers

1. Adab-i-Urdu, Parts II—IV, by Khan Bahadur Maulvi Idris Ahmad, B.A., S.C., published by the Hindustani Book Depot, Lucknow.
2. Bahar-i-Adab, Parts I, II and III, by Saiyid Zamin Ali Sahib, M.A., published by Saraswati Publishing House, Allahabad.
3. Urus-i-Adab, Parts II, III and IV by Mohammad Waki and Mohammad Rafi, published by Rai Sahib Lala Ram Dayal Agarwala, Allahabad.
4. Ghuncha-i-Adab, Parts II, III and IV by Rashid Ahmad Siddiqi, M.A., published by the Indian Press, Limited, Allahabad.

APPENDIX H

(See page 88 *supra*)

List referred to in the answer to part (e) of starred question no. 26 asked by BABU RAM BAHADUR SAKSENA SAHIB, on 28th June, 1933

1. Sahitya Pradip, Parts I, II and III by Rai Sahib Babu Shyam Sundar Das, B.A., published by the Indian Press, Limited, Allahabad. Price, annas twelve each part.

2. Hindi Sahitya Sushma, Parts I, II and III, by Pandit Chandra Mauli Shukla, M.A., L.T., and Babu Janki Saran Varma, B.A., published by the Krishna Press, Allahabad.

Part I, 13 annas 6 pies.

„ II, 14 „

„ III, 14 „ 6 pies.

3. Sahitya Sanchaya, Parts I, II and III, by Krishna Deo Prasad Gaur, published by Ram Charan Lal & Bros., Lucknow.

Price—Part I, 12 annas 6 pies.

„ II, 12 „ 9 „

„ III, 13 „ 9 „

4. Hindi Sar Sangrah, Parts II, III and IV by Babu Kali Das Kapoor, M.A., L.T., published by the Agarwala Press, Allahabad. Price, annas 12 each part.

5. Bhasha Pradip, Parts I, II and III, by Rai Sahib Thakur Sheo Kumar Singh, published by the Sahitya Publishing House, Cawnpore.

Price—Part I, 9 annas.

„ II, 10 „

„ III, 11 „

6. Saraswati Saurabh, Parts II, III and IV, by Mr. Dharendra Varma, M.A., and Dr. Babu Ram Saksena, M.A., D.LITT., published by the Saraswati Publishing House, Allahabad. Price, annas twelve each part.

7. Sahitya Batika, Parts I, II and III, by Adhyapak Ram Ratna and Pandit Chandra Hans Sharma Visharad, published by Ratna Ashram, Agra. Price, annas twelve each part.

LEGISLATIVE COUNCIL

UNITED PROVINCES OF AGRA AND OUDH

Thursday, 29th June, 1933

THE Council met at "Old Sherwood" (Government House grounds), Naiini Tal, at 11 a.m. The Hon'ble Sir Sita Ram in the Chair.

PRESENT (90):

The Hon'ble Mr. E. A. H. Blunt.
 The Hon'ble Kunwar Jagdish Prasad.
 The Hon'ble Nawab Sir Muhammad Yusuf.
 The Hon'ble Mr. J. P. Srivastava.
 Mr. J. M. Clay.
 Mr. J. L. Sathe.
 Mr. P. Mason.
 Mr. P. M. Kharegat.
 Mr. H. A. Lane.
 Mr. J. J. W. Allsop.
 Mr. A. H. Mackenzie.
 Mr. H. J. Frampton.
 Rai Bahadur Pandit Suraj Din Bajpai.
 Rai Bahadur Babu Phul Chand Mogha.
 Khan Bahadur Saiyid Ain-ud-din.
 Saiyid Abdul Hasan.
 Mr. Hari Kishen Mathur.
 Mr. D. L. Drake-Brockman.
 Mr. S. T. Hollins.
 Mr. M. Masud Ali Khan.
 Mrs. Kailash Srivastava.
 Khan Bahadur Maulvi Faish-ud-din.
 Captain K. O. Carleton.
 Mr. E. Ahmad Shah.
 Rai Sahib Babu Rama Charana.
 Mr. Perma.
 Rai Bahadur Babu Awadh Bihari Lal.
 Chaudhri Ram Dayal.
 Chaudhri Jagarnath.
 Chaudhri Baldeva.
 Rai Sahib Sahu Jwala Saran Kothiwala.
 Mr. Tappu Ram.
 Pandit Moti Lal Bhargava.
 Chaudhri Ram Chandra.
 Chaudhri Ghasita.
 Chaudhri Arjun Singh.
 Rao Bahadur Thakur Pratap Bhan Singh.
 Rao Bahadur Thakur Bikram Singh.
 Kunwar Girwar Singh.
 Pandit Joti Prasad Upadhyaya.
 Chaudhri Dharya Singh.
 Rai Sahib Kunwar Dhakan Lal.
 Thakur Balwant Singh Gahlot.
 Rai Bahadur Mr. Brij Lal Badhwar.
 Rao Bahadur Kunwar Sardar Singh.
 Babu Ram Bahadur Saksena.
 Babu Kamta Nath Saksena.
 Kunwar Jagbhan Singh.
 Mr. Brijnandan Lal.

Rao Narsingh Rao.
 Chaudhri Ram Adhin.
 Mr. Bhondu Ram.
 Chaudhri Bharos.
 Pandit Shri Sadayatan Pande.
 Raja Sri Krishna Dutt Dube.
 Rai Sahib Rajeshwari Prasad.
 Babu Adya Prasad.
 Rai Bahadur Thakur Shiva Pati Singh.
 Thakur Giriraj Singh.
 Pandit Prem Ballabh Belwal.
 Thakur Jang Bahadur Singh Bisht.
 Pandit Brahma Dutt alias Bhaiya Sahib.
 Thakur Muneshwar Bakhsh Singh.
 Rai Bahadur Kunwar Surendra Pratap Sahi.
 Mr. C. Y. Chintamani.
 Rai Rajeshwar Bali.
 Mr. Zahur Ahmad.
 Syed Ali Zabeer.
 Khan Bahadur Mr. Muhammad Abdul Bari.
 Syed Yusuf Ali.
 Khan Bahadur Muhammad Maqsood Ali Khan.
 Shah Nazar Husain.
 Captain Nawab Muhammad Jamshed Ali Khan.
 Mr. Muhammad Rahmat Khan.
 Khan Bahadur Haji Muhammad Obaidur Rahman Khan.
 Khan Bahadur Muhammad Hadiyar Khan.
 Khan Bahadur Hafiz Hidayat Husain.
 Khan Bahadur Maulvi Saiyid Habibullah.
 Khan Bahadur Shaikh Ghulam Husain.
 Khan Bahadur Saiyid Jafar Hosain.
 Shaikh Afzal-ud-din Hyder.
 Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan.
 Khan Bahadur Sirdar Muhammad Shakir-dad Khan.
 Khan Sahib Muhammad Imtiaz Ahmad.
 Shaikh Muhammad Habibullah.
 Chaudhri Muhammad Ali.
 Rai Bahadur Kunwar Bisheshwar Dayal Seth.
 Raja Jagannath Bakhsh Singh.
 Rai Bahadur Babu Vikramajit Singh.
 Munshi Gajadhar Prasad.

MEMBER SWORN.

Captain K. O. Carleton.

QUESTIONS AND ANSWERS

Thursday, 29th June, 1933

STARRED QUESTIONS

ALLOTMENT OF DISTRICTS FOR THE INTRODUCTION OF ALTERNATIVE
PRESCRIBED BOOKS IN SCHOOLS

*1. **Chaudhri Ram Adhin** (*absent*): (a) Is it a fact that the Education Department has allotted different districts for the introduction of the various alternative books prescribed for a particular subject in the primary section of vernacular schools?

(b) If the answer be in the affirmative, will the Government inform the Council as to the basis on which the allotment of districts is made?

(c) Will the Government also inform the Council as to when the principle of allotment of districts will be applied also to the middle section of the vernacular schools?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava):

(a) Yes.

(b) On the basis of the enrolment in the primary schools in the district so as to secure equal sales for approved books.

(c) It is not proposed to apply the principle to vernacular middle schools.

SMOKE NUISANCE IN CAWNPORE CITY

*2. **Khan Bahadur Hafiz Hidayat Husain** (*absent*): What has so far been done to abate the smoke nuisance in Cawnpore City?

Has the Municipal Board yet accepted the Government's offer of appointing an inspector and placing him under the control and direction of the Chief Inspector of Factories and Boilers?

If not, what do the Government propose to do in the matter?

The Hon'ble the Minister for Local Self-Government (Nawab Sir Muhammad Yusuf): In March 1933 Government wrote to the Municipal Board of Cawnpore saying that they were not prepared at present to appoint a special staff to deal with the smoke nuisance, but that if the board, whose primary duty it was to see to the abatement of this nuisance, wished to employ an inspector for the purpose, Government would be prepared to give him all possible help and, if required, to control and direct his activities. The board has not yet replied to this letter.

Government do not propose to move further until they hear whether the board has decided to accept the suggestion.

ABIANA CANAL RATE

*3. **Khan Bahadur Hafiz Hidayat Husain** (*absent*): (a) What have the Government done to reduce the *abiana* (آبیانا) canal rate since 1st January, 1930, on different canals running through the province in respect of various crops irrigated?

Do Government contemplate further reduction in view of the slump of prices of various articles of food?

(b) How far have the Government proceeded in their view that the price of sugarcane should be fixed?

The Hon'ble the Finance Member (Mr. E. A. H. Blunt) : (a) (1) Up to May 1931 Government did not take any action to reduce the canal rates. The reason for this was stated in the communique, dated the 9th February, 1931, published on pages 135—137, Part VIII of the *United Provinces Gazette*, dated the 14th February, 1931. In June 1931 Government ordered a remission of two annas in the rupee on all crops of the *rabi* 1338 Fasli in areas watered by the Upper and Lower Ganges Canals, the Eastern Jumna Canal, the Agra Canal, the Dehra Dun Canals, and the new Ramganga Hydro-Electric Canal where the irrigation rate for wheat and barley exceed Rs.4 per acre. In the civil districts of the Agra Division where irrigation is obtained from the Agra Canal or the Mat Branch the remission was increased to 3 annas in the rupee as a special case. The total remission given as a result of these orders amounted to about Rs.9 lakhs.

For *rabi* 1339 Fasli Government reduced the rates for linseed, and for wheat and barley and the crops sown mixed with them in the areas irrigated by the Upper Ganges, the Lower Ganges, the Eastern Jumna, the Agra, the Betwa, and the Dun Canals to the rates prevailing subsequent to 1905. The cost of this concession was, approximately, Rs.10.16 lakhs.

(a) (2) No.

The Hon'ble the Minister for Education : (b) Government have never expressed or accepted the view that the price for sugarcane should be fixed. The whole question will be considered at a conference which the Government of India are holding in July next.

*4. **Khan Bahadur Hafiz Hidayat Husain (absent) :** [*Postponed at the request of honourable member.*]

REMISSION OF LAND REVENUE IN CERTAIN TAHSILS OF THE ALLAHABAD DISTRICT

*5. **Khan Bahadur Hafiz Hidayat Husain (absent) :** What is the total remission relating to *rabi* 1340 in Tahsil Sirathu of the Allahabad District and Tahsil Khaga of the Fatehpur District? Are these two tahsils contiguous, is the soil alike and the means of irrigation similar? What is the reason of great divergence in remission figures?

What is the proportion granted to zamindars for revenue in both the tahsils to the amount of rent remitted for *rabi* 1340?

The Hon'ble the Finance Member : No remission has yet been sanctioned for the Fatehpur District, and therefore it is impossible to draw a comparison between the Khaga and Sirathu tahsils. The two tahsils are contiguous, and Government believe that the soil and means of irrigation are similar, though no report on this point has yet come from the Commissioner in spite of a reminder.

KALI TEMPLE, MOHUND TUNNEL, DEHRA DUN

*6. **Mr. Tappu Ram (absent) :** (a) Will the Government be pleased to state what action they have taken on the memorial (dated the 4th January, 1933) submitted by the Dehra Dun public on the subject of Kali Temple, Mohund Tunnel, Dehra Dun District, to His Excellency

the Governor to order annulment of encroachments made by the Forest Department on the temple lands ?

(b) What action was taken on the memorial of the Goorkha Military officers of Dehra Dun on the same subject, submitted on 5th March, 1932 ?

(c) Is the Government aware that the Nepal Government made an endowment of $\frac{1}{2}$ kos of land on each side of the temple, for the purpose of its maintenance and (b) that Mahant Shiv Charan Das has in his possession the original copper-plate of gift of the Nepal Government signed by Senapati Bal Bahadur Thapa, dated Sambat Jeth Sudi Dwadasi 1864 ?

(d) Is the Government aware that the Joint Magistrate of Dehra Dun asked the Mahant to deposit the tamrapatra (copper-plate) in the court on 2nd December, 1932, and that it has not as yet been returned ? If so, why ?

(e) Will the Government consider the advisability of issuing immediate orders for the restoration of the copper-plate ?

(f) Under whose orders have the Forest Department of Dehra Dun constructed four pillars round about the temple during the month of April 1933 ?

(g) (a) Is it a fact that old boundary pillars existed at a distance of $\frac{1}{2}$ kos from the pillar and (b) that the old pillars still exist, though attempts have been made to damage and destroy them ?

(h) Will the Government be pleased to consider the advisability of ordering the

(a) restoration of temple lands to the Mahant ;

(b) demolition of the recently erected boundary pillars ; and

(c) grant of full facilities to the temple cattle for grazing, and temple servants for collection of fuel ?

The Hon'ble the Home Member (Kunwar Jagdish Prasad) : (a)

(b) Government are in correspondence with the Superintendent of the Dun and the Conservator of Forests, Western Circle, on the subject. Government do not admit that the Forest Department have made any encroachments.

(c) (a) The answer is in the negative.

(c) (b), (d), & (e) The copper-plate was filed in a boundary case under the Land Revenue Act in the court of the Sub-Divisional Officer, Dehra Dun. It was sent to the Archæological Chemist, who found it to be a forgery. It has not, therefore, been returned, and Government do not consider that in the circumstances they should issue orders for its return.

(f) Under the order of the Sub-Divisional Officer, Dehra Dun, passed in the demarcation case on 2nd December, 1932, the boundary pillars were fixed by the Forest Department.

(g) (a) & (b) In his judgment in the demarcation case the Sub-Divisional Officer stated as follows :

“The Mahant has pointed out to me various pillars in the forest as marking the boundary of the land originally granted ;

but such pillars are found in many other places and there is nothing to associate them with any claim made by him."

No attempt has been made to damage or destroy any of these pillars.

(h) (a) There can be no question of restoration until it is shown that the temple has any legal right to a greater area than that of which it is in possession.

(h) (b) The pillars were erected by order of a competent court, and Government have no authority to order their demolition.

(h) (c) So far as Government are aware there has never been any dispute about these matters, and it would be premature to issue orders on them before the question arose in a concrete form.

GRANT-IN-AID TO THE AGRAWAL SANSKRIT PATHSHALA, MORADABAD

*7. **Rai Sahib Sahu Jwala Saran Kothiwala :** (a) Do Government intend to pay a grant-in-aid to the Agrawal Sanskrit Pathshala of Moradabad?

(b) Is the Government aware that this year six candidates appeared for the "Prathma" and "Madhama" examination from the said Pathshala and none failed?

(c) Has any grant been paid to any of the Moradabad Sanskrit Pathshalas within the last five years? If so, to which and how much?

The Hon'ble the Minister for Education : (a) The case is under consideration.

(b) Yes.

(c) No. Does not arise.

Rai Sahib Sahu Jwala Saran Kothiwala : Is it a fact that the Director of Public Instruction visited the Sanskrit Pathshala last year?

The Hon'ble the Minister for Education : I think it was the year before.

Rai Sahib Sahu Jawla Saran Kothiwala : Is it a fact that the Director of Public Instruction promised last year to ask the Inspector of Sanskrit Pathshalas to give some money from the Sanskrit Pathshala Fund?

The Hon'ble the Minister for Education : No.

Rai Sahib Sahu Jwala Saran Kothiwala : Will the Government be pleased to settle the question of granting aid to the Sanskrit Pathshala at an early date?

The Hon'ble the President : Well, this is a suggestion for definite action.

CONSTRUCTION OF MEAT MARKET IN MORADABAD

*8. **Rai Sahib Sahu Jwala Saran Kothiwala :** (a) Is it a fact that the Director of Public Health is of opinion that the construction of a meat market is very essential in the Moradabad city and that if it will not be constructed in the near future there is every possibility of the spread of various kinds of diseases?

(b) Is it a fact that there has been much correspondence between the Director of Public Health, Board of Public Health, United Provinces,

and the Municipal Board, Moradabad, for the last two years but the Municipal Board has not paid any attention to the matter as yet?

(c) Is Government aware that the Municipal Board is not ready to construct a separate meat market and that it is allowing new licences for new meat shops in the Moradabad City?

(d) What action do Government propose to take in the matter?

The Hon'ble the Minister for Local Self-Government: (a) In the opinion of the Director of Public Health the construction of a meat market in the Moradabad Municipality is very necessary as a health measure.

(b) There has been much correspondence but the Municipal Board has not yet taken action.

(c) In 1927 the board rejected a motion for the construction of meat markets and since then no such proposal has been brought forward. The number of meat shops in the city is now less than it was three years ago although the population has increased by nearly 31 per cent.

(d) The honourable member is referred to the replies given to parts (c) and (d) of his starred question no. 41 on 7th November, 1932.

Rai Sahib Sahu Jwala Saran Kothiwala: Taking into consideration the view of the Director of Public Health, will the Government be pleased to compel the Municipal Board of Moradabad to construct a meat market at Moradabad as a measure of urgent necessity?

The Hon'ble the President: I am afraid that question is not in order.

HOUSE-TAX IN MORADABAD MUNICIPALITY

*9. **Rai Sahib Sahu Jwala Saran Kothiwala:** (a) Is it a fact that the Government have made any such condition that the Government would not abolish the house-tax of Moradabad Municipal Board from 1st April, 1933, till the Municipal Board had realized Rs.15,000 from the arrears of the previous year? If so, why?

(b) Is it a fact that in reply to my question in November last the Hon'ble Minister for Local Self-Government had laid down no such restrictions?

(c) Do Government intend to issue instructions to the Municipal Board to abolish the house-tax for the year 1933 for those persons who have paid their full arrears and to realize from the defaulters the tax of 1933?

The Hon'ble the Minister for Local Self-Government: (a) As the honourable member has already been informed in reply to his starred question no. 96 of 5th November, 1932, and short notice question no. 1 of 22nd November, 1932, Government only agreed to the abolition of the tax with effect from 1933-34 on condition that it was collected in full with arrears for 1932-33, and in view of the financial condition of the Board, are not prepared to reconsider those orders. The Government are of opinion that it would be most unfair to penalize those law-abiding citizens who have paid their tax for 1932-33 by allowing habitual defaulters and others who are gambling on the early abolition of the tax to escape. It is obvious that once the tax is abolished further realizations will be practically impossible.

(b) No. The condition for abolition was clearly stated in the replies to both the honourable member's questions.

(c) As already explained, there can be no abolition of the tax until the arrears up to 31st March, 1933, have been collected, but Government would have no objection to the exemption by the Board and the Commissioner under section 157(2), Municipalities Act, with effect from 1933-34, of all those who have paid in full up to 31st March, 1933.

Rai Sahib Sahu Jwala Saran Kothiwala : Are Government aware that on account of defaulters those people who have paid the house-tax will have to suffer from the imposition of the house-tax in future?

The Hon'ble the Minister for Local Self-Government : They will not suffer. They will be exempted.

Rai Sahib Sahu Jwala Saran Kothiwala : Will the Government be pleased to ask the Municipal Board of Moradabad and the Commissioner to exempt those persons who have already paid house-tax up to March, 1933?

The Hon'ble the President : Well, I am afraid that question again is not in order

ALLAHABAD IMPROVEMENT TRUST

*10. **Khan Bahadur Muhammad Hadiyar Khan :** Will the Government be pleased to state—

- (a) how many tenders of Mr. S. C. De for the Allahabad Improvement Trust works were accepted by the Trust within the last three years ;
- (b) how many of these were the lowest ;
- (c) is it a fact that Mr. S. C. De's tender for constructing the Mirganj sewer which was accepted by the Trust in April, 1933, was the fourth from the lowest with a difference of more than Rs.800 ?

The Hon'ble the Minister for Education : (a) Nine.

(b) Four, and four more lowest but one.

(c) Yes, except that the difference was less and not more than Rs.800.

*11. **Khan Bahadur Muhammad Hadiyar Khan :** With reference to the answer given to question no. 2, on 17th March, 1933, asked by Thakur Muneshwar Bakhsh Singh Sahib, will the Government be pleased to state whether it is a fact that Trust properties in occupation of the Trust servants were vacated by them immediately before March, 1933?

The Hon'ble the Minister for Education : Yes. The only Trust servant who occupied part of a Trust house vacated it before March, 1933.

*12. **Khan Bahadur Muhammad Hadiyar Khan :** Will the Government be pleased to state—

- (a) on what date did the officials of the Allahabad Improvement Trust receive a letter of the Director of Public Health, dated the 31st March, 1932, on the subject of the Roshan Bagh Scheme ;
- (b) on what date was it placed before the Trust Committee for their consideration ;

- (c) whether the fact that it was considered by the meeting is mentioned in the official proceedings of that meeting ?
- (d) whether it was included in the agenda of the meeting ?

The Hon'ble the Minister for Education : (a) April 1, 1932.

- (b) June 18, 1932; August 27, 1932; September 17, 1932; October 27, 1932, and January 21, 1933.

(c) Yes.

(d) Yes.

***13. Khan Bahadur Muhammad Hadiyar Khan :** Will the Government be pleased to state if—

- (a) on the east of the area a very small vacant land the acquisition of which would have connected the Roshan Bagh Road with the Bakshi Bazar Lane on the east has been left over ;
- (b) On the north of the scheme the lane towards Grand Trunk Road has neither been widened nor straightened nor connected with the Roshan Bagh area ?

The Hon'ble the Minister for Education : (a) Such an area has been left, but it is outside the area of the scheme and not either entirely vacant or very small.

- (b) The lane connects with the Roshan Khan-ka-Bagh area but has not been widened or straightened as it lies outside the scheme.

***14. Khan Bahadur Muhammad Hadiyar Khan :** Will the Government please state—

- (a) whether the Roshan Bagh area was on a little higher level than the surrounding areas on the north, south, and east, and yet earth has been carted from distant places and the level of the area raised still higher ;
- (b) whether the result of raising the level of the area is that the Roshan Bagh has been disconnected from the Kolahan Tolah Street and closed for vehicular traffic ;
- (c) whether in the plan prepared by the late Engineer of the Trust, the Roshan Bagh was not disconnected from the Kolahan Tolah street ;
- (d) what is the cost of carting earth to the Roshan Bagh area ;
- (e) whether it is a fact that at present there is nobody in the executive of the Trust with engineering knowledge and the work is done on the advice of an overseer ?

The Hon'ble the Minister for Education : (a) On the east and south only and not on the north or west. The earth was surplus from other schemes and was used not to raise but to level up the area.

(b) Dose not arise.

(c) It was not disconnected and the connexion is still as in the engineer's design.

(d) Rupees 2,734.

(e) The overseer has a knowledge of engineering.

***15 Khan Bahadur Muhammad Hadiyar Khan :** (a) Has the attention of the Government been drawn to the statement in the

Administration Report for 1925-26 that the Roshan Bagh "is intended for the poor"?

(b) Will the Government be pleased to state what action the Trust took to invite applications for building site from poor classes?

(c) Is it a fact that in this scheme over Rs.6 a square yard has been charged for small bits of land?

(d) Is it a fact that University professors have been given land in the Katra Housing scheme at Rs.2 or Rs.3 a square yard?

(e) What is the difference between the costs per square yard of Bairana scheme and the Roshan Bagh scheme?

(f) Is it a fact that the Bairana scheme was in charge of a paid engineer and the Roshan Bagh scheme is in charge of a low paid overseer?

(g) Is the cost of establishment included in the cost of a scheme?

The Hon'ble the Minister for Education : (a) The scheme was intended for *gwalas* and their cattle as well as for the poor.

(b) The Trust called upon those for whom the original scheme was designed to apply for plots and a number of applications were received but in view of the conversion of the scheme into a housing scheme these applications were not considered.

(c) Rupees 6 is the flat rate per square yard for some of the plots, both small and big.

(d) No.

(e) The difference varies from Rs.1-12 to Rs.3-2 per square yard.

(f) No. Both these schemes were originally in charge of a paid engineer and since his reversion to government service they are in the charge of a qualified overseer.

(g) No.

***16. Khan Bahadur Muhammad Hadiyar Khan :** (a) Is it a fact that the applications of some of the low paid government servants of the ministerial service for building sites in the Roshan Bagh area are still pending before the Trust?

(b) Is it a fact that these clerks are ready to purchase sites at cost price?

(c) Is it a fact that the Cawnpore Trust has allowed some concessions to government servants?

(d) If so, what are those concessions?

(e) Do Government propose to recommend to the Allahabad Trust to allow some concessions to government servants or in the alternative to sell the plots to them at cost price?

The Hon'ble the Minister for Education : (a) No.

(b) The Government have no such information.

(c) & (d) The Government have no information beyond that contained in the published reports of the Cawnpore Improvement Trust.

(e) No.

***17. Khan Bahadur Muhammad Hadiyar Khan :** (a) What action was taken by the Trust on the Government resolution of the 7th November, 1930, regarding open spaces?

(b) Is it a fact that the recommendation of the Crosthwaite Committee are that "Playground and open spaces" should be "adequately provided" in "all the schemes" and the Director of

Public Health has recommended that the Roshan Bagh should be largely kept as park?

(c) What action does the Improvement Trust now propose to take on these recommendations?

The Hon'ble the Minister for Education : (a) The Trust has taken action in accordance with the resolution.

(b) Yes.

(c) The Trust has already spent three and a half lakhs on providing some 30 open spaces which will cover an area of about 90,000 square yards, including more than 1,300 square yards in the Roshan Khan-ka-Bagh area.

*18. **Khan Bahadur Muhammad Hadiyar Khan :** (a) What is the total amount of Government grant received by the Allahabad Trust for purposes of housing for the poor and open area schemes?

(b) What part of the amount received has been spent so far on the quarters populated by Muslims and non-Muslims?

(c) Is it a fact that Attarsuiya, Bai-ka-bagh and Bairana are predominantly populated by non-Muslims?

(d) What portion of the Government grant for purposes of open area schemes is still with the Trust?

(e) What part of the balance does the Trust propose to spend on the Roshan Bagh? If none, why?

The Hon'ble the Minister for Education : (a) Rupees 20,000 for housing the poor and Rs.80,000 for open spaces.

(b) The Trust has spent Rs.52,000 on the housing of the poor, most of those who purchased quarters being Muslims, and Rs.3,50,000 on open spaces.

(c) It is reported that the available census figures do not give population or religion by mohallas, but that both communities inhabit those referred to by the honourable member.

(d) No balance from this grant remains with the Trust.

(e) Does not arise.

*19. **Khan Bahadur Muhammad Hadiyar Khan :** (a) What is the total area of the Roshan Bagh?

(b) What was the number of plots of the cattle-shed plan?

(c) What is the number of building sites now?

(d) What is the area of the smallest plot and how much of its area would be left aside under 2½ feet rule of the Trust and one-third open space by-law of the municipal board?

The Hon'ble the Minister for Education : (a) 4.96 acres.

(b) Forty-nine.

(c) Sixty-four.

(d) Ninety-one square yards;
30½ square yards.

*20. **Khan Bahadur Muhammad Hadiyar Khan :** (a) Will the Government be pleased to state whether in the Bairana scheme a

large area had been left aside by the Trust for building in future a hospital, with quarters for teachers and medical assistants ?

(b) Was there any demand for these ?

(c) Has the attention of the Government been drawn to the statement on page 5 of the Administration Report for the year 1931-32 that in the Bairana housing scheme a large plot of land was reserved for housing of the poor but it was not availed of ?

(d) At what rate was it offered to the poor ?

(e) At what rate per square yard and to whom has it been sold now ?

The Hon'ble the Minister for Education : (a) Yes.

(b) Yes.

(c) Yes.

(d) The Chairman reports that no applications were received and so no offer was made.

(e) It was sold to two purchasers at a rate of about Rs.2-10 per square yard.

*21. **Captain Nawab Muhammad Jamshed Ali [Khan :** [*Postponed at the request of Government.*]

*22. **Saiyid Yusuf Ali :** [*Postponed at the request of Government till 5th July, 1933.*]

AMENDMENT IN THE INSOLVENCY ACT

*23. **Hafiz Muhammad Ibrahim (absent):** Will the Government be pleased to state when they will carry out their intentions expressed in reply to question no. 8 on November 4, 1932, as regards amendment in the Insolvency Act about its applicability to revenue cases ?

The Hon'ble the Finance Member : Government are unable to specify the time at which the amendment of the Agra Tenancy Act which the honourable member mentions will be introduced into the Legislative Council. This amendment with many others has been incorporated in a draft Bill initiated by Babu Jagadeva Roy and since taken over as an official Bill. The preparation of the Bill is now approaching its final form, and when it is ready Government will take an early opportunity to introduce it in the light of the state of legislative business.

COMPULSORY PRIMARY EDUCATION IN NAJIBABAD MUNICIPALITY

*24. **Hafiz Muhammad Ibrahim (absent):** (a) Are Government aware that the residents of one ward of the Najibabad Municipality applied to the Municipal Board of that place for the introduction of compulsory primary education ?

(b) If so, what steps did the Municipal Board concerned take in this connexion ?

The Hon'ble the Minister for Education : (a) No. An inquiry has been made.

(b) Does not arise.

WATER-WORKS SCHEME IN NAJIBABAD MUNICIPALITY

*25. **Hafiz Muhammad Ibrahim** (*absent*): Do Government intend to advance sufficient funds to Najibabad Municipal Board in order to introduce a water-works scheme in the town for removing the perennial scarcity of water?

The Hon'ble the Minister for Local Self-Government: The question of water-works for Najibabad to remedy the shortage of water during the hot weather was reported to Government by the Commissioner with a forecast of cost in 1930 and referred by them to the Board of Public Health, the Commissioner being duly informed. The Board of Public Health now report that in the absence of a project for this work and some intimation from the Municipal Board as to how it proposes to meet running expenses they are unable to consider the question of a grant, and that no request or communication from the Municipality has so far reached them.

SYED BASHIRUL HASAN, A NOMINATED MEMBER OF THE CHANDPUR MUNICIPAL BOARD

*26. **Hafiz Muhammad Ibrahim** (*absent*): (a) Is it a fact that Syed Bashirul Hasan was nominated as member of the Chandpur Municipal Board?

(b) What interest does he represent?

(c) How many people belong to this interest in the town of Chandpur?

The Hon'ble the Minister for Local Self-Government: (a) Syed Bashirul Hasan, the late and present Chairman of the Chandpur Municipal Board, was re-nominated a member of the board last year.

(b) The sugar industry.

(c) The District Magistrate reports that there are thirteen firms of *khandalis* in the town of Chandpur.

*27 & 28. **Hafiz Muhammad Ibrahim** (*absent*): [*Postponed at the request of Government.*]

NAZUL PLOTS IN KASGANJ TOWN

*29. **Hafiz Muhammad Ibrahim** (*absent*): (a) Will the Government be pleased to state when Nazul plots were entered in Kasganj town and under what authority?

(b) Was any notification published for general information as regards these entries? Will the Government be pleased to state whether any disputes were decided before making these entries?

(c) Is it a fact that a Nazul Officer was appointed in Kasganj in 1925?

The Hon'ble the Minister for Local Self-Government: (a) By notification no. 5177/I-A—774-E, dated the 18th December, 1924.

(b) The honourable member is referred to the reply given to the previous question.

Yes.

(c) An assistant record officer was appointed in Kasganj in December, 1924.

APPOINTMENT OF MUSLIMS AS MUNSIFS AT GHAZIABAD

*30. **Hafiz Muhammad Ibrahim** (*absent*): (a) How many Muslim presiding officers have worked as Munsifs in the Munsif's Court at Ghaziabad during the last 30 years? If no Muslim has worked will the Government be pleased to state why?

(b) Is it the intention of the Government to post a Muslim officer now in the Munsif's Court at Ghaziabad?

The Hon'ble the Home Member: (a) One Muslim Munsif has worked in the Munsif's Court at Ghaziabad during the last thirty years. There was also a Muslim additional Munsif at Ghaziabad during the years 1927 to 1932.

(b) Government will be guided by the recommendations of the High Court.

INCLUSION OF ALIGARH MUSLIM UNIVERSITY UNDER PARAGRAPH 332 OF THE MANUAL OF GOVERNMENT ORDERS

*31. **Hafiz Muhammad Ibrahim** (*absent*): Do Government intend to include the Aligarh Muslim University within the purview of paragraph 332 of the Manual of Government Orders?

The Hon'ble the Finance Member: The Aligarh Muslim University is already so included.

PANDIT KAILASH CHANDRA, COMMUNAL FOREST OFFICER OF KUMAUN DIVISION

*32. **Hafiz Muhammad Ibrahim**: (a) Since how long has Pandit Kailash Chandra Trevedie been Communal Forest Officer in the Kumaun Division?

(b) What are his present emoluments?

(c) How much expenditure per month is incurred on his staff?

(d) Is he allowed 40 coolies at Rs.20 per month?

(e) Will the Government be pleased to give details of the total expenditure incurred on this office and his staff entourage, etc., since he was sent to Madras for training and appointment as Communal Forest Officer?

(f) How many Village Forest Panchayats have been opened by this officer?

(g) Is it a fact that people are reluctant to open panchayats unless Government declare that the village forests are solely the property of the village people?

The Hon'ble the Home Member: (a) Since 1st November 1929.

(b) His salary as a Deputy Collector is Rs.540 per mensem less Rs.5 per cent. deduction, and allowance Rs.100 per mensem less 5 per cent. deduction, i.e., Rs. 608 per mensem in all.

(c) His staff contains:—

One clerk on Rs.80 per mensem less 5 per cent. deductions

Two peons at Rs.12 per mensem each.

(d) Yes. The same number as is allowed to sub-divisional officers in the hills.

(e) A statement is laid on the honourable member's table.

[See Appendix A, page 219.]

(f) One hundred and fifteen *panchayati* forests have been opened in the three districts of the Kumaun division.

(g) No. *Panchayati* forests when and where formed out of "C" lands are granted and Reserved Forests are assigned to the village community.

AGRARIAN TROUBLE N PATTI ASKOT, ALMORA DISTRICT

*33 **Hafiz Muhammad Ibrahim** : (a) Was any report called for by the Government regarding agrarian trouble in Patti Askot (district Almora) ?

(b) Has Government received that report ? If so, will the Government please lay a copy of it on the table ?

The Hon'ble the Finance Member : (a) A report was called for in February, 1930, in connexion with a representation made by the tenants of Askot

(b) Government do not think that any useful purpose would be served by laying on the table a copy of the Deputy Commissioner's report, which is a long and detailed document, and goes to show that the Rajwar is acting within his legal rights.

CONTRIBUTION MADE BY GOVERNMENT TOWARDS THE MAINTENANCE OF THE TEACHING STAFF OF THE AGRA COLLEGE

*34. **Pandit Joti Prasad Upadhyaya** : (a) Will the Government be pleased to state the amount of contribution made by the Government towards the maintenance of the teaching staff of the Agra College ?

(b) Is it a fact that the Government have so far always contributed half the amount of the salary of a teacher in this college ?

(c) Have any new posts been created in the college as follows :

Rs

(1) Professor of Philosophy ... 200—20—400

(2) Lecturer in History ... 200—10—250

(3) Do. in Hindi ... 200—10—250

(d) What is the date on which each of the above posts was created ?

(e) When was the fact that such posts were created first intimated to the Government by the college authorities ?

(f) Have Government contributed their share of the salary of these teachers ? If not, why ?

(g) Do Government intend now to allot funds for contributing their share of the salary of these teachers ?

The Hon'ble the Minister for Education : (a) & b) Government do not make separate contribution towards the maintenance of the teaching staff of a college. The principle on which grants to degree colleges are given is stated in paragraph 390 of the Educational Code. The grant sanctioned for the Agra College in 1932-33 was Rs.95,485.

(c) to (g) In 1929 and 1930 the college authorities submitted for approval proposals for the creation of lecturerships in History and

Hindi on Rs.200—10—250 per mensem each and for the conversion of the post of Lecturer in Philosophy into that of a Professor on Rs.200—20—400 per mensem; it was reported that appointments to the two new posts of Lecturer had been made on pays of Rs.125 and Rs.100 respectively. On account of lack of funds the proposal of the college authorities could not be sanctioned. The request will be considered when the financial condition improves.

Pandit Joti Prasad Upadhyaya: Are Government aware that these three teachers, one in philosophy, another in history and another in Hindi, were given a definite contract of service that sooner or later their grade pay would be increased to the usual amount of salary which was drawn by other lecturers of their grade?

The Hon'ble the Minister for Education: Government do not make these contracts, and so they do not know what contracts were made.

Pandit Joti Prasad Upadhyaya: Are not Government morally bound to make these contracts and to pay half the salary of each professor in the college?

The Hon'ble the Minister for Education: No.

Pandit Joti Prasad Upadhyaya: Why?

The Hon'ble the Minister for Education: It is not in the rules at all.

Pandit Joti Prasad Upadhyaya: Have not Government impliedly agreed that they will, as soon as the post is created in the college, supply half the salary of each teacher?

The Hon'ble the Minister for Education: No, certainly not.

Pandit Joti Prasad Upadhyaya: Is the Hon'ble the Minister sure of it?

The Hon'ble the Minister for Education: Quite certain.

Mr. C. Y. Chintamani: Is it a fact that some years ago Government invited the heads of all private institutions to increase the salaries of their staff undertaking to pay half of the increased cost?

The Hon'ble the Minister for Education: I am not aware, Sir.

Mr. C. Y. Chintamani: Will the Hon'ble Minister please ascertain?

The Hon'ble the Minister for Education: Yes. I will make inquiries?

***35. Pandit Joti Prasad Upadhyaya:** [*Postponed at the request of Government till 4th July, 1933.*]

WORK IN DISTRICT TREASURIES

***36. Pandit Joti Prasad Upadhyaya:** (a) Is it a fact that work in all district treasuries has considerably increased since October, 1932, owing to the amalgamation of Audit and Accounts office?

(b) Is it a fact that clerks working in such treasuries have to sit till very late hours in the evening?

(c) Will the Government consider the desirability of increasing the number of clerks in these offices?

The Hon'ble the Finance Member: (a) On the re-amalgamation of audit and accounts in 1931 the volume of work in the treasuries

became exactly what it was before separation was effected in 1926. The treasury staff reduced during the separation scheme was restored on amalgamation.

(b) Government have no information.

(c) Does not arise.

Pandit Joti Prasad Upadhyaya : Will Government try to inquire that these clerks had to work till 8 or 9 p.m. in the treasuries?

The Hon'ble the Finance Member : Sir, I have never found clerks who have to work till 8 or 9 p.m. backward in coming forward with their grievances. Besides, the remedy is in their own hands. If they do not like working so late, they can start work earlier in the morning.

RESOLUTION *re* RECOMMENDATIONS OF THE RENT AND REVENUE REMISSIONS COMMITTEE

Raja Jagannath Bakhsh Singh : * I move that this Council recommends to the Government to give effect to the recommendations of the Rent and Revenue Remissions Committee only after they have been discussed and adopted by the Council. This resolution is of such importance that anybody speaking on it may take much time of the House, but I do not propose to do so for two reasons. In the first place the honourable members are no less aware of its importance of the manner in which it affects the public and therefore I do not think it necessary to commend my resolution to them in any great detail. In the second place I hope, and I can safely assume, that the Government will have no reasons to oppose it. For these two reasons I need not detain the House for any considerable length of time, but at the same time, to quote a phrase from the speech of the Hon'ble the Finance Member yesterday, I shall not end with any telegraphic brevity. I said that the resolution is of considerable importance. I may say that in two particular ways it is of great importance. In the first place the matter of revenue remissions is a highly technical one. It is as technical as the question of settlement rules. The House is aware that the settlement rules have a long history behind them. Since this new constitution came into force in this country, we in these provinces have been crying hoarse that the settlement rules should be embodied in the statute. After a long debate over this matter, that point has been settled. The rules governing settlements in these provinces have been embodied in an Act.

Now, Sir, so far as the remissions are taken up locally in districts or in tahsils, they are not so important, but when the question takes a larger shape, when it concerns the whole of the province, certainly it is more important or I should say it is no less important than the settlements. The question of revenue remissions has covered the whole of this province during the past three years. On account of economic depression it was considered necessary that large remissions in rents and revenue should be made in these provinces. A committee was appointed by the Government in the year 1931. It went into the matter at considerable length. I might say that I had the

* Resolution originally tabled by Thakur Jaindra Bahadur Singh.

opportunity of sitting on that committee and I know how a layman was confronted with the technical difficulties of considering the formula which could justly and fairly govern the whole of these provinces. Then again in the next year, viz. in 1932, it was found necessary that the remissions should continue at least on the same scale, if not on a higher one. Another committee was appointed in the year 1932 and it perhaps went over the same procedure. Again, for the coming year a committee has been appointed and it is working. I want to make out before this House that the provision for making remissions in rents and revenue outside the law is only provided in cases of emergency. An emergency can only be said to have existed at any one particular time. We cannot say that such an emergency has existed since 1931 up to this time that the remissions should be made outside the law or outside this House. I think there was a strong case to bring this matter before this House in the year 1932 if it was not in the year 1931. Then the matter was not brought before this House. So, Sir, I think the case is much stronger this year that the Council should consider over this matter carefully. The importance of this matter is further enhanced when it is found that it concerns a very large area of these provinces: it concerns the greatest proportion of the population of these provinces. Remissions in rent and revenue concern vitally the agriculturist—I mean the tenants and the landowners. Therefore, the matter is of great importance; I may repeat it is of vital importance to these provinces. I shall now turn to another point, i.e. how the matter concerns the landowner. Landowners of these provinces have never grudged the necessity of remitting rents to tenants. They have already seen the justification of remitting rents at a time when the economic depression was at its highest, when the prices were very low and the people were suffering from great hardships. The landowner was never behind anybody in giving or in advocating any support or any relief that the Government could give to tenants or the agriculturist. But at the same time the Government will readily admit that their condition was not less serious then and that it is not less serious now. I can say without fear of contradiction that the remissions in revenue have not been in proportion to what they should have been and that the landowner has been hit hard on account of this disparity in revenue remissions. Sir, the condition of the landlord has not been at all good in these bad years. I think it has been the worst. He has been hit from two sides. On one side the economic depression was no less serious for him; on the other side the political trouble put him into a very difficult position. In the first place, it is known to everybody in this House and outside that the collection of rents has been so poor, so bad that it has been very difficult for landlords to make both ends meet. On the other hand the remission of revenue has been so disproportionate that whatever he could except to save after paying his revenue could not be done under these hard circumstances. I am afraid statistics are not available, otherwise it would have been evident that the position was simply a deplorable one. How many zamindars are heavily indebted in this province? How many of them actually lost their property, and how many find it very difficult to make both ends meet? It is a matter for no less serious consideration for the Government

[Raja Jagannath Bakhsh Singh]

of this province and, for the matter of that, for any province where such conditions exist. Mr. President, I am not trying to paint a black picture before this House; the House is well aware of the difficulties of landlords. I am, however, not forgetful of the hardships of tenants and never advocate that tenants should not be given the relief that they deserve. I feel as much sympathy for them as for zamindars, but I think I am on a strong ground when I say that the landlord has been in a much worse position than anybody else during these three or four years. I do not wish to conceal the fact that there has been a feeling in the minds of landowners that the Government's policy was to rob Peter to pay Paul. During these days of difficulties Government was more inclined to relieve the tenants at the expense of landowners. The zamindars would not entertain this feeling if the Government had given proportionate relief to the zamindars by the remission of revenue. Then, Sir, the resources of the Government are so wide that relief could have been given to agriculturists in many other ways without making the position of zamindars difficult. For instance, the Government could have afforded adequate relief to the agriculturists, whether tenants or zamindars, by reducing irrigation rates, but whenever the question of irrigation rates was before the Government, the Government did not look at the matter with any sympathy and this naturally led the people to think that relief to landlords was not considered of equal importance. This may have been due to the fact that the general idea of some is—and the Government might share that idea—that the landlord is generally a wealthy man and so he can very easily afford to give relief to the needy without expecting proportionate relief for himself. What I wish to make out is to remove such an idea. I want to prove that the landlord is as deserving of relief at the present time as anybody else, and it is with this object that I want to put the matter before the Government, and that if there was any disparity in the revenue remissions in the past they shall try to make up that deficiency and the rules or formulæ that may be worked out for future may be such as may relieve the landowner of his difficulties in a similar manner as the tenant. I also expect that the disadvantages under which the landowner has suffered in the past years may be compensated if a way can be found for that. It is with this object that I have moved this before the House for its consideration and I commend it to the acceptance of the House.

The Hon'ble the Finance Member : Sir, I rise at once with the hope of shortening and short-circuiting discussion. I may say at once that Government had no intention whatever of giving effect to the recommendations of this committee before they had been discussed by the Council, and so far as that is concerned I accept the resolution.

There are, however, two small points I should like to refer to. One is that I should very much like the words "and adopted" deleted. Suppose that a recommendation of the committee has been passed by a majority of one and the Council accept the opinion of the minority. Well, in that case the recommendation adopted by the Council will not be the recommendation of the committee. It is purely a verbal matter, and I do not want to press the point at all strongly. I merely

think it will make for convenience if the words "and adopted" be left out, and that the resolution with the words "and adopted" will cause difficulty. If the honourable member will see his way to cut them out no practical difference will be made.

The other point is merely a question of ways and means and dates. So far as I can say the discussion will have to take place at a meeting in October. Mr. Lane tells me he very much doubts if there will be any recommendations of the committee to be discussed before the end of September and after that there is Diwali and other troubles like the move of the office from the hills, and so on. I do not think it would be possible to have this discussion until October and that would involve postponements of *kists*. However, these are mere practical difficulties which are only there to be solved. Apart from this I have nothing to say.

Shaikh Muhammad Habibullah : I am very glad that a reply which I may call partially satisfactory has been given by the Hon'ble the Finance Member to the mover of this resolution. The Hon'ble the Finance Member has said that it was never the intention of Government not to bring up the recommendations of the committee before this House before giving effect to them. After all, we who are not in the inner circle of Government, can only judge of the intentions of Government from their past behaviour. I should like to know what has happened in the past. If my friend, the mover of the resolution, suspected the Government in their intentions, I think he was quite right.

Now, Sir, the honourable member has suggested that the word "adopted", be deleted if possible. Once the word is deleted the object of the resolution comes to an end. It will have no effect. The honourable member has said, supposing the decision of the committee is by a majority of one and the Government may adopt the opinion of the minority . . .

The Hon'ble the Finance Member : I said the Council might adopt it.

Shaikh Muhammad Habibullah : So much the better, because in that case we will be satisfied that the minority has been converted into a majority.

The Hon'ble the Finance Member : It would not be a recommendation of the committee.

Shaikh Muhammad Habibullah : But the opinion of the Council ought to weigh in a matter like this so that there may be no dissatisfaction in the province that the Government have taken action without having good support behind them. But if the Government themselves take upon themselves to take action even by a majority of one, I think they will not be on safe ground. I think it is in the interests of Government itself that the matter should be brought before the Council and they should have the support of the Council in any action they may like to take. Sir, the policy of Government in this matter, that is, in the matter of remissions of revenue, has been one of feathering their own nest. They have ignored absolutely the interests of the landlords. There are three parties to this—the tenants, the landlords, and the Government. I think the landlords of this province, who

[Shaikh Muhammad Habibullah]

were members of the committee, which made proposals for the remission of rent, have made very generous recommendations which today even the Government have begun to think are too generous, and if one goes down to the country one would find that as a result of those recommendations many tenants have been saved from destruction, and in many cases they think that the committee has done all right and they are pleased that our tenants have not had to suffer the fate which they would have suffered but for those recommendations. This much I say as regards the financial relations between the landlord and the tenant. Now I have to come to compare the attitude of the Government in their relation to the landlord. I quite remember when I said that the way Government have acted has amounted to jobbery. I was told by the Hon'ble the Finance Member in most emphatic words "necessity knows no law." Well, if that was the attitude of the Government that they will flout all laws, disregard all laws which are of their own making, in making remissions, I do not know what to say to such action of Government. I think in future the three parties interested, that is the tenant, the landlord and the Government will be fairly treated—that is, the burden of loss should be proportionate among the tenants, the landlords, and the Government.

Raja Jagannath Bakhsh Singh : Sir, I am thankful to the Government, and in particular to the Leader of the House, who has so readily accepted my resolution. When I criticized the Government I was fully aware of the sympathetic attitude and the liberal-mindedness of the Leader of the House. As a landlord I have always looked to him to be as impartial and as sympathetic to the landowner as to anybody else, and my remarks certainly did not concern him personally in the least. If I criticize the Government adversely, and I may have to criticize the Government more strongly in the future, my remarks shall always be general. They will concern the Government generally. The attitude of the Leader of the House in this matter, as in many other matters, and I have had the good fortune of working with him in the Council for more than 12 years, has been sympathetic and I have always found him ready to accept any reasonable demand. Now to come to the point, Sir, I should have no hesitation in accepting the modification suggested by him of deleting the words "and adopted", but I have got just a few observations to make in this connexion. This suggestion from him has given me an opportunity of elucidating my point still further. My object in moving this resolution was that the recommendations of the Rent and Revenue Committee may come before the House and that the House may get an opportunity of modifying them if the House thought it necessary, and if I delete those two words that object may be defeated. It is with this view, Sir, that I would let those two words remain. I shall say, Sir, and I think I can say so safely, that the Government intends to embody in the statute certain provisions regarding the remissions of rent and revenue permanently. We will then get an opportunity of discussing this matter in greater detail when any Bill emerges from the Government side on this matter. So, Sir, if we get a primary opportunity of modifying the recommendations of the Rent and Revenue Committee it will confer an opportunity on us to go into the matter once before the Bill comes

up. Also the formula adopted by the Revenue Committee will not be a very simple one. It will be as technical, it will be as difficult as any Bill that may come before this House at a later stage. So, Sir, if these two words remain in the resolution the House will be given an opportunity of considering this matter once before it comes in the shape of a Bill. Regarding the second point, that it will not be possible to hold another session of the Council earlier before the *kist* of rent payment or, for the matter of that, the *kist* of revenue payment comes off. I think, Sir, this is not an insurmountable difficulty. In the first place, I think it will not so happen; it may be found possible to hold another session before the *kist* is due; but if that is not possible and one *kist* lapses, not much harm will be done, for from my experience of revenue committees I can say that remissions have been made in the second *kist* also. In one year I remember it was not possible to remit the land revenue in the first *kist*; the matter was taken up too late; but the people were compensated in respect of the second *kist*. If the Government thinks that the resolution is of considerable importance, merely the fact that the first *kist* may be due at an earlier date should not prevent them from taking the matter up. With these few words, Sir, I hope the Government will be pleased to allow the words to remain in the resolution.

The Hon'ble the Finance Member : Sir, I could not have evoked stronger criticism if I had rejected the resolution instead of accepting it. The honourable member, who is no longer here talked about the past behaviour of the Government. Well, Sir, let the dead past bury its dead; what we are concerned with is the present and the future. Besides, I am not, so far as I know, entirely responsible for the Government's past behaviour.

Shaikh Muhammad Habibullah : No, you are not.

The Hon'ble the Finance Member : Nor is the present Government, for that matter.

The kind remarks made about me by the honourable mover are very gratifying, but I cannot help thinking that the matter could have been boiled down into one sentence—that Government is a devilish collection of individual saints.

As to the words "and adopted," I think I made it clear that I would not oppose the resolution on the score of those words, but I do warn honourable members that they might very well cause trouble in the end. But if he thinks that the words should remain we shall have to face the trouble; that is all.

As to the matter of dates, I mentioned that for the information of the House; I did not mean to suggest that we could not get over the difficulty.

The Hon'ble the President : The question is—

That this Council recommends to the Government to give effect to the recommendations of the Rent and Revenue Remissions Committee only after they have been discussed and adopted by the Council.

The question was put and agreed to.

RESOLUTION *RE* EXPANSION OF EDUCATION AMONG DEPRESSED CLASSES

Mr. C. Y. Chintamani: I beg to move—

*That this Council recommends to the Government to take immediate steps for the rapid expansion of education among untouchables in these provinces and with this object in view, to increase the allotment of funds to a minimum of Rs.10,00,000 in the course of the next five years.

Sir, it is unfortunate that my honourable colleague, who gave notice of this resolution, has been prevented by unavoidable circumstances from being in his place today to place the resolution before the Council with the wealth of knowledge of detail which he has acquired and with the keen interest in the subject which he has taken for several years. I can but be a feeble substitute for him, specially in view of the circumstance that I have not got a scrap of paper giving any detailed information with the aid of which I could support the proposition in detail. But, fortunately the subject is of a non-contentious nature. I do not think that there is anyone, be he an official or a nonofficial and to whichever community he may belong, who at this day would be without interest in the subject of the uplift of those who are called, for no fault of their own, untouchables. Long years ago, in the last of the Councils before the present constitution came into being it was my privilege to place a resolution more or less similar in nature before the then Council. And I had great difficulty in inducing the then judicial secretary, who was in charge of education, to accept the proposal put forward. Having made every difficulty in the way of nonofficial members striving to obtain funds for the promotion of education, the self-same officer, appearing in another capacity before the Southborough Franchise Committee, taunted educated Indians for taking a mere wordy interest in the welfare of the depressed classes and leaving it to Government to do substantial ameliorative work. The answer to that complaint on behalf of the Government has been recently furnished by no other than Dr. Ambedkar, who, without exaggeration, can be described as one of the adopted children of the bureaucratic Secretary of State. The answer to that is furnished by him in the telling question, "What has the Government done for the amelioration of the depressed classes?" It must always be said of the Government, that under their aegis complete legal equality between those classes and other communities has been established. Beyond this I do not think the Government can claim that they have taken an active beneficent interest in the various measures for their uplift which are before the public. But I will take the advice given to my honourable friend to the left just a minute or two ago by the Hon'ble the Finance Member and will let the dead past bury its dead and confine myself to the living present and the near future.

The resolution says that the Government should set apart a sum of not less than ten lakhs in the course of the next five years for the education of these classes. The expenditure may be applied to work in several forms. There may be direct Government expenditure. There may be expenditure through municipal and district boards and Panchayats—this is a line already taken, and there may be aid

• Resolution originally tabled by Rai Bahadur Thakur Hanuman Singh.

given to private institutions started specially for work for the depressed classes, such as the Servants of the Untouchables Society, in order that with the help of a large number of volunteer workers a great deal of useful work may be done. The Government will be justified in seeing—in fact it is their duty to see—that, whatever money belonging to the taxpayer is given to these institutions shall be properly accounted for. I think that it is the condition which Government do impose or are expected to impose in connexion with all grants made by them. There can be no complaint on that score. At the same time this control should not be too rigid, as then departmentalism will sap the vigour of philanthropy, and work and time that should be given to actual constructive work may have to be devoted to correspondence to the good of nobody. I do not know whether the Government will say that in their present financial condition they cannot commit themselves to expenditure on this large scale. I sincerely hope for the sake of their own reputation as well as in view of the magnitude of this problem, that they will not put forward any such plea. I am not unaware that the Government's financial condition is by no means very flourishing at the present moment. But equally am I aware that when the Government set their heart upon a particular object no consideration of financial stringency deters them from doing what they want. Can it be pleaded that 10 lakhs of rupees is by any means an excessive amount?

There has been a great deal of controversy in recent years, more particularly since last year, as to who are and who are not members of the depressed classes and what is their proportion to the total population. Government, for purposes other than educational, with motives (I have no hesitation in saying) of a political nature, have been on the side of those who have sought to swell the number of the depressed classes beyond all relation to actuality, in order to manipulate the constitution of the future legislature in a particular manner. That consideration, however, has nothing to do with the Department of Education. It does not concern me for the purpose of the plea that I am now making who in the opinion of the Government are depressed classes and who are not. The word used in the resolution is not "depressed" but "untouchable". Whether the Government will include certain classes in this term or will not is comparatively immaterial for purposes of this resolution. Actually, the larger the number of backward classes for whose education and amelioration public funds are applied, the larger is likely to be the amount so applied and the greater the advantage to the province as a whole. Therefore that question need not trouble us in the consideration of this matter.

Whether the Government will think that special schools for the depressed classes or scholarships to young men and young women of these classes to study in ordinary educational institutions open to all alike is the best method I am quite content to leave to them to decide. Personally I should say that I would not lose myself in an excessive consideration of the relative advantages of the two methods. I would rather say that I would go forward with both. Wherever there is a demand for special schools I will not stand in the way but encourage them. Wherever the people of a locality think that in that area there has been no difficulty from the caste Hindus in letting

[Mr. C. Y. Chintamani]

boys and girls of the depressed classes in the schools I will encourage them as the better method. I would impose no limitation upon the number of scholarships to deserving boys and girls in those schools, so that, notwithstanding their deplorable economic condition they may be able to pursue their study and later serve in the furtherance of the cause of the uplift of the classes to which they belong.

In a word, this resolution invites the Government to take their rightful part, a very active part, in a great cooperative enterprise. The cooperation ought to be on the part of the members of the depressed classes themselves, the caste Hindus and the Government. However many and however acute may be the controversies that divide one from another in other spheres of life, let there not be a breath of contention in this most important of all duties, the elevation of the condition of the most unfortunate section of Indians by means of education. I invite the Hon'ble Minister and I invite the Director of Public Instruction, who is the right arm of his strength, as he was of the present Minister's predecessor, I invite both of them to take not only a just but a generous view of this appeal made to them and to respond in reply to the appeal in the spirit in which it is made, free from controversy, free from contention, free from criticism, and let us all, the public and the Government, the members of the depressed and those of the high castes, let us all go forward as comrades in a common cause to achieve the greatest result of which any modern community—either the public or the Government—can be proud. Let it be an inspiration to the Government as it is to all of us here and outside that the greatest Indian of modern times was ready to make the greatest sacrifice, the sacrifice of his life, in this sacred cause. Let the Government show themselves at least in this non-political matter to be national in spirit although still alien in control. In these words I make this appeal to the Hon'ble Minister and those with whom he acts to accept this resolution and to go forward actively in this sacred cause.

Mr. E. Ahmad Shah : With your permission, Sir, I would like to move an amendment to this resolution. The amendment would be to substitute for the word "untouchables" the words "depressed classes".

The Hon'ble the President : As notice of this amendment was not given in time, is there any objection to its being moved?

(No objection.)

Mr. E. Ahmad Shah : I beg to move that for the word "untouchables" the words "depressed classes" be substituted.

The reason for bringing in this amendment is to enable a wider class of people to be benefited by the special consideration which is being conceded by this resolution. As it stands at present the word "untouchables" covers a very narrow class of people as compared with a larger circle of people who would be embraced under the term depressed classes. Now that we are asking the Government to help them in the cause of education, we ought not to ignore the great handicap under which they have been labouring from time immemorial; we should support their cause in every direction and should remove all obstacles and hinderances from the path of their progress. The conscience of

country is alive to the situation, efforts are being made from all sides by my countrymen and the uplift of this class is the one burning topic of the day. We should move forward with a united heart and with a single purpose, and should extend a helping hand to these classes. I cannot say as to how many people will be benefited if the original resolution is accepted because no Census report has given us the number of untouchables in these provinces. On the other hand, we know definitely the number of people and the classes of people which are placed under the category of the depressed classes in these provinces. Since my amendment widens the scope of the benefit, I hope that the mover of the resolution will accept it. I have nothing more to add but to support whole heartedly the spirit of the resolution which has been so ably moved by Mr. Chintamani and my hope is that the Government will make up its mind in devoting larger amounts in future years to the uplift of these classes, and thus will provide better facilities of education for them.

With these few words, Sir, I present my amendment for the acceptance of this House.

Mr. Tappu Ram :

(मिस्टर टप्पूराम)

जनाव प्रेसिडेंट साहिब,

मैं इस रिज़ोल्यूशन के बारे में यह निवेदन करना चाहता हूँ कि जब और सब क्रौमों के बच्चों के लिये लाखों रुपया खर्च किया जाता है तो क्या वजह है कि हम लोगों के बच्चों के लिये सरकार दस लाख रुपया खर्च करने का इन्तिज़ाम न करे जैसा कि इस रिज़ोल्यूशन में कहा गया है। हम लोग क्या सरकार को रियाया नहीं हैं और क्या हम लोग दूसरे लोगों की तरह से टैक्स नहीं देते हैं? मैं समझता हूँ कि अगर दुनिया में इन्साफ़ है तो मेम्बरान कौन्सिल इस प्रस्ताव को पास करेंगे ॥

Khan Bahadur Syed Jafer Hosain : May I move another amendment to this resolution : I desire to *delete* the words "to a minimum of Rs.10,00,000" and to *substitute* the words "on a liberal scale" instead.

The Hon'ble the President : Is there any objection to its being moved? (After a pause). There is no objection to its being moved. It may be moved.

Khan Bahadur Syed Jafer Hosain : My object in moving this amendment is that if we fix a definite amount as has been done in this resolution, it might prove a very heavy burden to Government in view of the financial stress through which the provinces are passing at the present time. But if we keep the words "on a liberal scale", then it will be the duty of the Government to proceed liberally in the matter of allotment of funds for the expansion of education of the depressed classes. I need hardly point out that this question is a very important one and I think there will not be a single dissentient voice in this House to oppose this laudable resolution. With these few words, I commend my amendment to the resolution, for the acceptance of this House.

Kunwar Jagbhan Singh : May I oppose the amendment just moved by the honourable member?

The Hon'ble the President : The honourable member has a right of speech. He can do anything he likes.

Kunwar Jagbhan Singh : Sir, the honourable member for Moradabad has used an ambiguous language. The words "on a liberal scale" are so ambiguous that from one pice to 10 lakhs of rupees may be interpreted "liberal". I wonder why a member of a minority community should grudge such a small sum as Rs.10,00,000 to a community which has been neglected for such a long time. We are now trying to ameliorate their condition and alleviate their sufferings and doing everything possible to help them. Ten lakhs is a small sum and we should not grudge it, when we can afford to spend crores of rupees on other unproductive work. It is not proper to come forward and oppose the paltry sum of Rs. 10 lakhs. I hope the honourable member will not press his amendment but will withdraw it.

Rai Sahib Rajeshwari Prasad : I rise to oppose the amendment which has been moved by Khan Bahadur Syed Jafer Hosain. The amendment gives a very long rope to Government. The interpretation of the words "on a liberal scale" will vary. Even a small or paltry sum might be interpreted to be liberal, considering the finances and various arguments might be advanced by Government to justify any sums. On the merits of the resolution which has been so ably moved by the Hon'ble Leader of the Opposition, I have very little to say. The object is laudable. The only point which I wish to make is this that so far as the education of the depressed classes or the untouchable classes is concerned, they should not be segregated from the entire body of the caste Hindus. The education of the depressed classes should be given in the same schools and colleges and in the same primary schools in which the students of the caste Hindus are getting their education. This point, I suppose, Sir, has also been made by the mover of the resolution. He has said that in the schools in which there is no opposition for the education of the depressed classes along with the students of the caste Hindus, the two classes should get their education side by side, and the sums to be allotted may be spent in scholarships to deserving students of the depressed classes. This was the only point that I wanted to emphasise and I hope the House will give its whole-hearted support to the resolution which is now before it.

Mr. A. H. Mackenzie : Mr. President, I think that all sections of the House must have been greatly impressed by the eloquent and moving speech made by the honourable mover of the resolution. In the concluding portion of that speech he appealed for the co-operation of Government and the Education Department in constructive work for the uplift of the depressed classes, and he expressed the hope that in the course of this discussion there would be revealed no spirit whatsoever of contention or controversy. It is hardly necessary for me to say that a speech of the kind made by my honourable friend will always secure a very warm response from this side of the House. But the Education Department have to look at the question to some extent from an administrative point of view. They cannot allow their hearts to run away with their heads. The resolution implies some misunderstanding of the position. It refers to an allotment for the education of the depressed classes. There is no such thing as an

allotment for this purpose. The position is that Government give large grants to district boards for vernacular education, and they require the boards to spend a minimum amount each year on special measures for the education of the depressed classes. The amount is approximately Rs.1½ lakhs a year. These special measures served their purpose at a time when there was some reluctance on the part of school authorities to admit pupils belonging to the depressed classes into the ordinary schools. I am glad to say that this reluctance has practically disappeared, so that there is not the need there was for this prescribed expenditure to provide for special schools for the depressed classes. In fact, as my honourable friend opposite said, it is not in the interests of the depressed classes themselves that Government should continue a policy of segregating them in special schools. The line of progress is surely to remove all obstacles, all disabilities, that prevent the depressed classes taking their place alongside other classes in the ordinary public schools of the country and that is the line of progress which the Government have been endeavouring to follow in recent years. It may interest the House to know that during the past five years the percentage of pupils belonging to the depressed classes who are reading in the ordinary primary schools has risen by no less than 38. That is a very encouraging sign. What the Government have done and will continue to do is to take measures to secure that no obstacles whatsoever are placed in the way of the admission of the depressed classes to the ordinary schools. Not only so, but they will take positive measures to encourage them to go to the schools by employing, as far as they are available, teachers belonging to these classes, in the ordinary schools. The measure that will benefit the depressed classes perhaps more than any other community is compulsory education. In a few places boards have attempted to exempt the depressed classes from the operation of the Compulsory Education Acts, but the Government have consistently taken the view that such exemption is contrary to the intentions of the legislature and they have refused to allow local bodies to exempt the depressed classes from the operation of these Acts. But while it is the policy of Government to encourage the depressed classes as much as they possibly can to secure admission to the ordinary schools of the country Government have recognized that these classes do require some special encouragement to enable them to proceed from primary schools to middle vernacular schools and even high schools in order that the depressed classes may produce a body of teachers who will be expected to be fully sympathetic with the aims of their own community. Government, therefore, last year, though it was a time of acute financial distress, introduced a very liberal scheme of scholarships for the depressed classes without any suggestion from this Council, Government themselves took the initiative to introduce this very liberal scheme. The House may be interested to know briefly what the details are. There will be available in all districts of the province scholarships for boys belonging to the depressed classes to enable them to enter English High Schools. In every district there will be a scholarship for admission to vernacular middle schools. Special stipends will be given to students of the depressed classes to enable them to attend training schools. Places for them have been reserved in all the normal schools of the province and wherever a student belonging to the depressed classes.

[Mr. A. H. Mackenzie]

obtains one of these scholarships, he will be given a free place in the boarding house of the institution. The total cost of this scheme is Rs.45,000 a year and by its operation it is estimated that 600 students of the depressed classes will be in receipt of scholarships or stipends. Further Government in the Industries Department have issued instructions that the scholarships both for tuition in the industrial schools and leaving scholarships which will enable boys to set up in industrial life, will be given to students of the depressed classes wherever such students are available. The bulk of these scholarships are meant for students of the depressed classes. They are already taking advantage of them. But to ensure that they will obtain always a good share of these scholarships, Government have laid it down that not less than 25 per cent. of all the scholarships will be allotted to the students of the depressed classes. Moreover Government in their anxiety to take constructive action in this matter have invited members of the depressed classes to advise them. They have set up a special committee which has only one official on it, as chairman. On the committee besides the official chairman there are two members of the depressed class elected by the non-official members of this Council—members belonging to the depressed classes. In addition there are three other members of the depressed classes on the committee. The object of this committee is to advise Government on all questions concerning the education of the depressed classes. That committee has already met and has given Government advice. As far as funds are available Government will do everything in their power to carry out the recommendations of the committee or any other specific recommendations that they may receive from members of this House individually or from the House as a whole.

Mr. O. Y. Chintamani: In the special committee for the education of the depressed classes are there any members who are not members of the depressed classes themselves but who would be helpful to the committee by virtue of their knowledge and ability and their interest in the subject?

Mr. A. H. Mackenzie: At present, Sir, the committee consists, besides the *ex officio* chairman, entirely of members of the depressed classes.

Khan Bahadur Hafiz Hidayat Husain: I do not want to make a speech: I only want to ask a couple of questions. The first is that the honourable mover has adhered to the wording of the resolutions which refers to the education among untouchables. The Hon'ble Director of Public Instruction, on the other hand, has used throughout his speech the words "depressed classes". I want to find out from the Government what I have not been able to find out up till now, whether untouchables and depressed are synonymous words whether the Government have been able to determine what castes are comprised in the words "depressed classes" and whether in the educational scheme that the Director of Public Instruction has adumbrated he has included also backward classes, i. e. classes which are educationally backward.

Chaudhri Bharos.

चौधरी भरोस

जनाब प्रेसिडेन्ट साहिब,

इस कौन्सिल में मेरा यह निवेदन है कि Depressed Classes के लड़के लोग जो पढ़ते हैं उनको दस लाख से बेशी मिलना चाहिये और अगर बेशी नहीं मिले तो दस लाख तो जरूर हो मिलना चाहिये लड़कों के पढ़ने के वास्ते ॥

Munshi Gajadhar Prasad: Speaking for myself I must confess that I am extremely grateful to my honourable friend the Director of Public Instruction who has put forward the Government's case most fairly and squarely. We on this side of the House do not fully understand the technicalities of the Education Department and are apt to be lost in its labyrinths and mazes, but I am glad to find that the Government has at present a sympathetic heart and it is prepared to help the education of these untouchables as far as it lies in its power. Now, Sir, speaking as regards allotment of funds, the Director of Public Instruction has pointed out certain technical difficulties. He has stated that there is no particular allotment under this head for untouchables and I quite agree with my honourable friend Rai Sahib Rai Rajeshwari Prasad when he said that these untouchables should not be segregated, but made to study in general schools. Unfortunately we have neglected these untouchables for very long and we must now make amends. The policy of the Government in the past was, no doubt, in accordance with the views prevailing some time back. Fortunately opinions have now changed and we have realized our own mistakes and we request the Government now to look at the question from a different angle of vision. It has been said that Government is sympathetic as far as this question is concerned and the Director of Public Instruction has placed before the House what has been done and what the Government is prepared to do in future. I would, however, suggest that these mere scholarships would not do much. I do not know whether the rules and standing orders of the Education Department will interfere if a rule were made. A rule should be made that no untouchable whether at the school or the intermediate college or at university be charged any fees, and that untouchables may be allowed to go up either for primary or secondary or even university education without having to pay a single pie for the education that they might receive.

The Hon'ble the Minister for Education: Will your university do it?

Munshi Gajadhar Prasad: I hope so. We will have to put the matter before the University authorities after Government have done their duty.

Now, Sir, as regards scholarships, I think we should have more scholarships for untouchables than we have at present, and I believe the Government would be pleased to give as much assistance to these untouchables as possible, and will also make a rule that no school or college will be justified in refusing admission to any untouchable on any ground, and if it does the grant-in-aid will be stopped. With these few words I support the motion before the House.

The Hon'ble the Minister for Education: Sir, I am very glad indeed that on the subject-matter of this resolution there is complete unanimity between myself and the mover. I hope we shall always be animated by this friendly feeling over all the matters which come up for discussion. The Director has explained what we have been doing to improve the education of depressed classes. I might make a confession and say that the cause of depressed classes has always been dear to me. The depressed classes have come into prominence only very lately. I do not know whether it is for political reasons or what; but I can tell the House here that I took interest in them in my private capacity as far back as 1912 and at that time I incurred the displeasure of caste Hindus by employing members of those communities whom nobody would touch. I also gave privately a number of scholarships to depressed class boys and some of those whom I educated are now occupying positions in life.

Sir, as the Director of Public Instruction has told the House I as Minister took up this question about 10 months ago and conferred with the depressed class members of this House to ascertain as to how best we could advance their education. I called that conference myself without any mandate from this House. I might say at that time there was no movement in the country in favour of depressed classes. At least at that time the movement had not taken its present form. As a result of these discussions we decided that it would be wrong to segregate them into separate schools and the line of advance should be in the direction of removing obstacles which existed to their admission to the schools and colleges in the Province. We have been very particular that no institution which receives a grant from Government should exclude depressed class boys because they happen to be members of the depressed classes.

Rai Rajeshwar Bali: When was that question first taken up?

The Hon'ble the Minister for Education: I believe the Wetherill Committee met to inquire and report on the primary education of the educationally backward classes, and on its recommendations certain rules were introduced in the Educational Code. But complaints were made to me that a large number of institutions were not observing those rules. The control has been greatly tightened up and I am glad to say that during the last year or so I have not received a single complaint that a depressed class boy has been refused admission. The main thing that emerged out of the discussion of that conference was that we should encourage depressed class boys to pursue higher studies and give them scholarships. The Director of Public Instruction has just explained the scheme of scholarships which was formulated by us and put into effect. We are spending Rs.45,000 per year on these scholarships and 600 boys of the depressed classes are receiving the benefit of these scholarships. The Director of Public Instruction has explained that the minimum prescribed expenditure which the boards are required to work up to; under the sub-head depressed classes educational expenditure comes to one and a half lakhs per year. But as he has explained and I would like to stress, we should not have need for special measures for the education of depressed class boys by setting up special schools for them. All the primary schools in the

districts are open to depressed class boys and every depressed class boy has the right to get admission into these schools. It would retard progress if separate institutions were to be set up. I hope the House agrees with us on this point. Surely it will never do to have separate schools for Bhangis, separate schools for chamars, separate schools for Doms. We have also introduced a rule in the Educational Code to the effect that the district boards may appoint a supervisor for depressed class schools provided that he belongs to the depressed classes and is otherwise qualified for the post. The intention has however been that separate schools exclusively for the depressed classes might be discouraged and their admission to ordinary primary schools be encouraged. I need not say more on that point. Now, Sir, talking about the advisory committee which has been set up by Government last year we considered it important that we should know the views and desires of the depressed classes themselves in the matter of the advancement of their education. We therefore set up this standing committee of which two depressed class members of this House are members. The honourable mover of the resolution put the question as to whether there were any members of the Committee who did not belong to the depressed classes themselves but who took an interest in the uplift of depressed classes. The answer is "No." But at the time that this committee was formed there were no societies like the Servants of the Untouchables Society. If any organizations or individuals who take an interest in the depressed classes like to serve on that committee I am prepared to consider the matter. Khan Bahadur Hafiz Hidayat Husain Sahib asked us to what we meant by the term depressed classes. We do not go by the expression depressed classes or untouchables. We have for our purposes classified certain castes whom we regard as depressed and who should have the benefit of the measures that we may be able to adopt. The list consists of a large number of castes, some of whom I do not know myself, but I will read it as far as I can. It includes Dhanuks, Chamars, Bhangis, Doms, Kaparias, Dhobis, and so on. There is a very large number here.

Rai Rajeshwar Bali : Is that the official list?

The Hon'ble the Minister for Education : No, for our guidance, that is for the guidance of the Education Department. When the department receive applications from depressed class boys it has to have some sort of guidance.

Rai Rajeshwar Bali : On what basis has this been drawn up?

The Hon'ble the Minister for Education : Well, we made inquiries as far as we could and I came to the conclusion that this list was sufficiently comprehensive for purposes of our scheme.

Sheikh Muhammad Habib-ul-lah : The scheme of education for backward classes?

The Hon'ble the Minister for Education : Well, Sir, as I have shown, Government in the Education Department has been fully alive to this very important question of uplifting the depressed classes. We are already spending two lakhs of rupees per year. I forgot to mention that we are also giving certain grants to institutions, to non-official bodies which have for their object the education of the depressed

[The Hon'ble the Minister for Education]

classes. These grants come to nearly Rs.5,000 per year. We are already spending therefore, Sir, about two lakhs of rupees per year on the education of the depressed classes, quite apart from the expenditure involved in the education of depressed class boys in the ordinary institutions. The resolution aims at the allotment of Rs.10 lakhs during the next five years. It comes to two lakhs of rupees per year. So what we are already doing is what the resolution aims at—I realize that what we are doing is not sufficient; we have to do a good deal more, and I wish to assure the honourable mover that as funds permit we will do everything in our power on the lines indicated by him. I hope, therefore, Sir, that in view of the assurance that I have given the honourable mover will withdraw his resolution.

* **Khan Bahadur Maulvi Fasih-ud-din** : Sir, I have been listening with much attention to the speech of the Hon'ble Minister for Education; but I am afraid that he has not made two points very clear which I expected him to do. The first point is this, that my friend Khan Bahadur Hafiz Hidayat Husain had put the question whether the classes which are backward in education were included in the list of depressed classes or not. That point was not cleared up at all, and I hope the Hon'ble Minister will clear it up in his final speech if he happens to deliver one at all.

The other point that I am very doubtful about and on which I am very uncertain is this, that the honourable the Director of Public Instruction said in his speech that there is no difficulty for the students of the depressed classes to be admitted in village schools and that nearly all the students are coming to mixed schools and that separate schools are very few and far between. Then I should like to know how this amount of 1½ lakhs is being spent for the education of the depressed classes when most students belonging to the depressed classes are reading in mixed schools. The honourable the Director of Public Instruction said that he is spending Rs.45,000 over the scholarships that are given to the depressed classes. Then the question arises how in the allotment of 1½ lakhs the sum of Rs.1,05,000 is being spent. How many schools are there which are earmarked for the depressed classes and how many of them have been abolished during the last five years. That is a point which requires elucidation. Then the other question which arises is in what way the Hon'ble Minister in drawing up the scheme for the depressed classes will spend the allotment of ten lakhs or any other allotment which may be earmarked for the education of the depressed classes. That point also requires elucidation.

The honourable mover also owes an explanation as to how this amount of ten lakhs is to be spent over the education of the depressed classes if he is really of the opinion that there should be no separate schools for the education of these classes, and that they should receive education along with the caste Hindus in the middle schools. That is a point which I think every one of us is anxious to have cleared up in connexion with this resolution.

* **Rai Rajeshwar Bali** : I am sorry I was not present here when my friend, the Director of Public Instruction, made his speech. I was rather surprised at the statement of the Hon'ble Minister when he

* Speech not revised by the Honourable member.

said that so far at any rate as this House is concerned the interest evinced in the depressed classes is of a recent date.

The Hon'ble the Minister for Education: I never said that, Sir, on a point of personal explanation.

*** Rai Rajeshwar Bali:** The point which he made at the beginning of his speech was that it is only lately that this question of the depressed classes has come into the forefront.

The Hon'ble the Minister for Education: I said that the public outside had evinced interest in this question only lately.

*** Rai Rajeshwar Bali:** Well, if the Hon'ble Minister will look at the old proceedings of this House, he will find that, so far at any rate as we are concerned, we have taken very considerable interest in the education of the so-called depressed classes. My honourable friend, Rai Bahadur Thakur Hanuman Singh, in whose name the resolution stands and who for private reasons has been unable to come here today has taken considerable interest in this matter for a large number of years, and if I remember aright on several occasions he made attempts to persuade the Government to take greater interest in the depressed classes and to allot larger funds on their education. Therefore to attach merely political significance to this question is, I think, not quite right on the part of the Hon'ble Minister.

The Hon'ble the Minister for Education: I did not do so. I protest against that.

*** Rai Rajeshwar Bali:** If the Hon'ble Minister will read the transcript of his speech, he will find what he said.

Next, Sir, he proceeded to suggest that it was due to him mainly that the bar against the depressed classes had been lifted in the matter of admissions to the aided schools. Here again he will do well to refresh his memory by referring to the file on the subject, where he will find that this question had been taken up much earlier, and so he cannot take credit for it himself. He might have enforced the rules made before he came in office; but then that is a part of his duty.

I will now come to the main question asked by my friend, Khan Bahadur Maulvi Fasih-ud-din as to how this money is to be spent. Sir, I generally agree with the view of the Hon'ble Minister that so far as possible members of the depressed classes should be encouraged to enter mixed schools and that those who control the mixed schools should take freely the members of the depressed classes. But then there is the question that even after you have removed all bar to their admission in the mixed schools you have to attend carefully to their needs; for even after the bar has been removed on paper there are practical difficulties in the way of the members of the depressed classes entering these mixed schools. Then in certain areas you have to attend to their special needs and money can be usefully spent in those areas. Secondly, I attach particular importance to giving them a large number of scholarships in order to encourage them to enter these schools. Thirdly, there are a number of societies which are doing excellent work for the promotion of education among these depressed classes, and I would make a special appeal to Government

* Speech not revised by the Honourable member;

[Rai Rajeshwar Bali.]

to encourage such societies by giving them large and generous grants. I think this is the easiest way in which the Government can show their practical sympathy for the elevation of these depressed classes.

Thakur Giriraj Singh : Sir, in support of the resolution I beg to submit a few points. As far as I am aware, in every district board there is a minimum grant given by the Government for the education of the depressed classes, and I also know that no district board in the province spends more than that minimum grant. It would be better if the Director of Public Instruction or any other officer of that department were to issue a Government order giving instructions to every district board that, if the financial condition of the board permits, some more money ought to be spent on the education of the depressed classes.

No doubt there are many people in the country who are in favour of the depressed classes being given education along with the boys of non-depressed classes; while others are of opinion that there should be separate schools for them. Sir, it is not unknown to us that there was a certain community amongst us which was not so educated 30 years ago. Now it is somewhat educated simply because it has some sectarian institutions for the education of its class. Take the case of my own community, the Rajputs. As far as I am aware, 30 years ago there were very few graduates or very few amongst us who were conversant with the English language or even vernacular. But thanks to the patrons, benevolent Rajputs, who started some institutions like the Balwant Rajput High School at Agra or the Hewett Kshattriya School at Benares, or the Jaunpur School or some other institutions on account of which lots of graduates and undergraduates are found today. Take the case of other classes and institutions, such as the Kayastha Pathshala of Allahabad and the Arya Samaj Schools which have turned out lots of graduates and undergraduates. My intention in submitting this is that unless some special scope is given for the spread of education among the depressed classes it is very difficult for boys of those classes to compete with the boys of the other classes whose forefathers were educated. I am in favour of the opinion that the boys of depressed classes should be educated in mixed schools and if any complaint comes up before the Government that complaint should be heard. I am thankful to the Government that such complaints are heard but I will also suggest that where there is a large number of depressed classes in any district or tahsil, Government should allot a large amount of money for the uplift of the boys of the depressed classes and should open separate schools for them. We also know that the Government is not doing this for the depressed at its own initiative; Government is doing it where there is a demand for it. There are many amongst us who are doing our best for the uplift of the depressed classes; there are many, who have sacrificed their lives and given their property for the uplift of the depressed classes. Take the case of Lala Lajpat Rai. I think that the major portion of the money, which he got through his practice was spent upon the spread of education among the depressed, i.e. the poor classes. I will not be wrong, if I say that there is one amongst us who is the greatest man of today and the greatest benefactor of Harijans, who is alive and whom every-

body knows, he is Mahatma Gandhi. He is trying his best for the uplift of the depressed classes and I think he is ready to do anything for this class, viz. Harijans. There are many others also amongst us who are ready to follow him and who are doing what is within their means. It is very easy for everybody here to say that he has got sympathy with the depressed classes, but even now there are some amongst us who are not in favour of the depressed classes at all. A few minutes ago one member spoke.

The Hon'ble the President : I think the honourable member had better develop his argument after lunch.

The Council adjourned for lunch at 1 p. m.

After recess the House reassembled at 2 p.m. with the Hon'ble the President in the Chair.

Thakur Giriraj Singh : Sir, one of the councillors also said that the word "backward" should also be inserted. But I do not agree with him at all, because the word "backward" is so elastic that it can be applied to every other case which cannot come strictly under the term "depressed classes." I know of cases where the candidates, who do not belong to the depressed class, become backward classes simply for the sake of service. My submission is simply this that those communities which are not very advanced mentally or morally can be termed depressed classes. The depressed classes were first termed as untouchables—and I am glad to hear an amendment from Mr. Ahmad Shah that the word "untouchables" should be taken out and the words "depressed classes" should be substituted instead. The Hon'ble Minister for Education and also the Director of Public Instruction stated before us a few minutes ago that the Government is doing everything for the uplift of the depressed classes, but it was not shown on behalf of the Government whether the Government had been more generous in the matter of giving grants for the uplift of the depressed classes or not. In the resolution the amount asked for is simply Rs.10 lakhs. In other words Rs.2 lakhs per year, and the amount spent on this education, as has been explained by the Director of Public Instruction, is over Rs. 1½ lakhs. Therefore, I think the difference is only of Rs.75,000. No doubt everybody knows that there is financial stringency everywhere, in every department of Government. But if the Government is really bent on doing anything for the depressed classes, it could easily spare the small sum of Rs.75,000. It has been asked by some member as who will be considered as depressed classes. It is very difficult to answer this question : but as far as I am aware there are certain classes, which are deemed to be, either for the purpose of education or any other purpose, depressed classes and I may enumerate them as follows : Bhangis, Doms, Chamars, Koris, Kahars, Dhasikans, Kalwars, oilmen, etc. etc. There can be no general definition of the depressed classes, because it is very difficult to define them. As far as I am aware the term depressed class is only used for Hindus and not for any other community, because in any other community nobody is deemed to be depressed or untouchable.

I know that a Government order has been sent to the Education Committee of the district boards that two scholarships will be awarded

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to the boys of the depressed classes and scholarships are being given according to that Government order. I shall be glad to hear if Government gives more scholarships to the boys of the depressed classes, because we know that the number of the depressed classes is not less than seven crores in this country and so a large amount of population will come under the category of the depressed classes. Unless we spend a large sum of money for their uplift it is very difficult to make the boys of the depressed classes stand on an equal footing with those of the higher classes. I am not going into details as to whether the boys of the depressed classes can strictly be called untouchables or not, because it is very strange to anyone who thinks over the matter deeply that the boys of this class, who do everything for us, should be termed as untouchables. Those, who are cleaned by them, are termed as superior and those who clean them are called untouchable or depressed, either through ignorance or illiteracy of the depressed classes. Now the time has changed. Some of them are being educated : some of them are in the Council : there are others outside who are trying for the uplift of the depressed classes. With these words I support the resolution of the honourable mover, Mr. Chintamani, and hope that Government will readily accept the resolution and will not give an evasive reply.

Bai Sahib Babu Rama Charana : I congratulate the honourable mover, Mr. Chintamani, for having brought this resolution before the Council in a practical form. It has been inquired by one of the honourable members as to how this amount is going to be spent if separate schools are not going to be opened. My reply is that there is a great lack of schools in rural and urban areas. Many night schools are wanted, and the schools that are at present in existence are far distant from the locality in which the boys of the depressed classes live. It is necessary, if education is going to be imparted to them, that their schools should be located nearer their locality. Then, there is a crying need for night schools also. Many depressed class adults are willing to take advantage of the sympathies that have arisen out of the efforts of Mahatma Gandhi to educate them, but they cannot find schools at convenient distances, where they can attend during the night. Then, there are schools in rural areas in which the names of the depressed classes are entered, but they are not allowed to sit in them or read there. They are simply for purposes of show that the depressed classes are also reading in them. There should be one Sub-Deputy Inspector recruited from among the depressed classes in each district. These inspectors will see that the boys of our depressed classes are admitted and actually read in the general schools. I have impressed more than once that the depressed classes should take advantage of these general schools. I am certainly not in favour of separate schools, but it is necessary for some time so that there should be some special schools. The boys belonging to the sweeper, Dom and Dhanuk castes in particular find difficulty in getting admission into the general schools. My point is that local bodies can have more schools specially in rural areas : they can have more night schools in rural and urban areas if funds are available for them. The scholarships which have been allotted are not sufficient in the case of the depressed classes. The

depressed classes have a peculiar position. The question of their education is certainly of recent origin and they are so hopelessly backward in education that nothing short of liberal scholarships will bring them up to the general level. There is the necessity of sending more members of the depressed classes for training if education is to be spread among these classes. If more and more trained teachers are available from the depressed classes, it will be very easy to spread education among these classes. I support the amendment of my friend Mr. Ahmad Shah whereby he substitutes the word "depressed" for "untouchable." I hope the Government will gladly accept this resolution and co-operate with the movements that are already afoot in the country. There is of course a crying need for funds.

Rai Bahadur Babu Vikramajit Singh: We are all agreed that education ought to be spread amongst the depressed classes. The language of the resolution itself was not very happy, but my honourable friend Mr. Ahmad Shah has improved it by substituting the word "depressed" in place of "untouchable" and the resolution as it now stands after the amendment of Mr. Ahmad Shah is, I think, quite acceptable.

I may be pardoned for saying that our discussions have somewhat proceeded on vague and indefinite lines. While on the one hand it is said that ten lakhs in five years ought to be spent, the Government have replied that they are spending two lakhs every year and consequently they are doing all although the Hon'ble Minister qualified it by saying that they ought to do more. They are doing as much as the resolution demands. Then there is the point whether there ought to be separate schools for the education of the depressed classes or whether they ought to be permitted to read in the mixed classes. But the question now is as to how education amongst the depressed classes could be advanced. My suggestion is that there ought to be some definite scheme propounded in order to uplift the depressed classes and that could be done if the Government were to make the education of, say, certain sub-castes amongst the depressed classes compulsory in rural areas or in urban areas so that there will be a definite scheme of advance. The compulsory education of the members of the depressed classes can start with some sects and some castes and go on and include all the other sects and castes. Education would then spread amongst all the members of the depressed classes otherwise I do not see how this object of spreading education amongst the depressed classes could be fulfilled in the way that the resolution demands.

The resolution merely demands that two lakhs of rupees ought to be spent every year and if the Government say that they are spending this amount, then in fact the resolution does not seem as much as is really needed for the spread of education amongst the depressed classes. Therefore my suggestion is that the Government ought to take up this question in this light that they ought to make education amongst the depressed classes compulsory and in that case they will be able to spend more money and will in a shorter period make the depressed classes literate. Of course, on the main question I find that between

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the Government and the non-official members there is absolute unanimity and there is no difference of opinion so far as the spread of education is concerned. Therefore with these suggestions I support the amended resolution.

Mr. C. Y. Chintamani: Mr. President, I will begin with the amendment moved by my honourable friend Mr. Ahmad Shah. He wishes to substitute the phrase "depressed classes" for the word "untouchables". To me neither of these expressions is more felicitous than the other and if I could lay hand upon a word which would be free from the suggestion that we looked down upon the people referred to as something less than ourselves I would be happy to substitute it for either depressing word.

Mr. Brijnandan Lal: I suggest "Harijans".

Mr. C. Y. Chintamani: I do not like that word either. We all are Harijans; we all are creatures of God. To me therefore it is quite immaterial which of these words is accepted and therefore I have nothing to say against that amendment. I think it would be convenient if immediately I refer to the question put by the honourable Khan Bahadur from Cawnpore as to who are and who are not the depressed classes. I will not take up the time of the House by referring to the fragmentary list partially referred to by the Hon'ble the Minister. As so far as I am concerned I do not mind how many of the backward people you include in the phrase "depressed classes" for the purpose of the spread of education among them. I want that everyone of these classes should be educated as widely and as highly as possible and I do not in the least mind if a few more classes are included in that phrase. There are other places where the controversy as to who are and who are not the depressed classes is of very real importance. But here the point of view is not political but humanitarian and therefore I suggest that we should not waste words over that academic discussion. I next come to the amendment moved by the honourable Khan Bahadur from Moradabad, and I will at once say that I am unable to accept or support it. The invitation to Government to make liberal provision for the education of the depressed classes is an invitation to which they will immediately respond. There is a saying in the English language. It is this. Hypocrisy is the tribute which vice pays to virtue. I do not think that at this time of day any Government could so lack in decency as to get up to oppose a proposal that there should be liberal expenditure of money upon education. I would at once ease the mind of my honourable friend the Director of Public Instruction by assuring him that my citation of the saying in the English language was not in the least meant to convey any suggestion that the zeal which he shows for the spread of education among the depressed classes, has in it an element of hypocrisy. I do not mean to convey any such idea. But then, if the honourable Khan Bahadur from Moradabad gives a few moments' thought to the position of the Government—this Government not excluded—in matters financial, I think he will have no difficulty in concluding that his amendment if accepted will defeat the purpose of this resolution. Every Government faced by a multiplicity of demands for expenditure is obliged to devote its money

primarily to those subjects which interest it most or to those other subjects to which it has to pay attention in order to avoid inconvenience and least of all to that which everybody expects but nobody is keen about. If the honourable member's amendment be accepted things will drag on and the Government can say—Oh, no, we are not open to any accusation of breach of promise because you asked us to spend liberally and we are spending liberally. There is no calculus by which you can measure what is liberal and what is not liberal. It is a relative term and can be interpreted in many ways. Therefore, I agree with the two honourable members on this side of the House who are opposed to the amendment and I do not accept it.

In many ways the most important as well as the most gratifying of the speeches delivered on this motion was that which was made by—I hope the Hon'ble the Minister will pardon me—the Director of Public Instruction. The statement of the progress which he has been able to cite is gratifying so far as it goes. And the note of earnestness which he has struck throughout his speech encourages the hope that during the remainder of his tenure of his present office, we shall not be knocking in vain at his door when we ask for more, yet more and still more for this most beneficial of objects. But I do not plead guilty to the criticism uttered by the Director of Public Instruction when he said that the language of this resolution implied a certain misunderstanding. His quarrel was with the words "allotment of funds". In the beginning the resolution asks that Government should take immediate steps for the rapid expansion of education among untouchables and then it proceeds to say that with this object in view, the allotment of funds should be increased to a minimum of Rs. 10,00,000 in the course of the next five years. The Director of Public Instruction himself tells us that a sum of 1½ lakhs is being spent on this subject. How did he arrive at this figure of 1½ lakhs if he did not take up the budget of his department and make an aggregate of items relating to education among depressed classes? There is no other meaning of the phrase "allotment of funds" and I think it was a mere distinction without difference for which he was fighting when he charged me with being guilty of a misunderstanding. The Director of Public Instruction has spoken in favour of more and more depressed class boys and girls being admitted into general schools, rather than more schools being opened for them and they being segregated as it were. I entirely agree with him. In fact it is what I said in my speech. Whenever it is thought that in the circumstances of a locality at a given time there is no necessity for special schools and therefore it is not desirable to open special schools, do not open them but go forward more and more actively with encouragement and support for the admission of these boys and girls into ordinary schools without any idea of depressed classes or elevated classes. They might go forward as brothers and sisters and receive education together. But I agree also with Rai Saheb Rama Charana that for some time to come there might be at least some localities where the object of diffusing education more widely among these classes will not be promoted—it may rather be hampered—if in an academic spirit there is insistence upon not opening any special schools for them. I hope the Director of Public Instruction as becomes a sound educationist like him will agree with

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what Sir John Simon called "the principle of graduality" and that wherever necessary he will go on giving money for special schools for them and not insist upon academic uniformity. The Director of Public Instruction has told us of the liberality with which scholarships are being given. I have heard his statement with gratification, but there is a fly in the ointment even there. I will cite one case and bring it to his notice. There is in Almora one of the worthiest members of the class known as the depressed classes, my very esteemed friend Rai Saheb Mr. Hari Tanta-- whosoever was responsible for the recommendation to recognize his public spirit by conferment of a title has my hearty congratulations. His son was reading at Allahabad and in order to prosecute his education further he wanted a scholarship. He came to me as his father's friend, told me that he met with discouragement from officers of the Education Department and therefore his father had asked him to see me and get a recommendation from me in order that he might succeed. The present Director was on leave at that time or elsewhere on special duty. I approached the gentleman who was acting for him and made a recommendation in the strongest language possible that this boy should be helped. He was a deserving boy, he was the son of a deserving father, he had made great progress in education and his future was very promising. In spite of all efforts made, the boy was dismissed with the plea that for some technical reason under the rules that governed the grant of scholarships nothing could be done for him. The Director will remember that some years ago a question arose to what extent the provisions of the Education Code were sacrosanct, whether every part of the Education Code, every word of it must be treated as scriptures or anybody had liberty of action to go beyond or behind those provisions. Then the decision was given that it was not a law, it was only a body of administrative doctrine for administrative convenience. The officers of the Government were no doubt bound by it but any moment they could represent to Government that a case had arisen where it was necessary to depart from the letter of the Code and the Government as the author of the Code had every right to go beyond or behind it. If the spirit which pervaded the speech which the Director made today was the spirit which always pervaded all the officers of his department, I am sure in the case which I have cited the result would have been more agreeable to Mr. Mackenzie himself and not only to me but as well as others. I trust that in the first place the Education Code will be revised wherever necessary in order to make its provisions conform to the requirements of the depressed classes and other backward classes, and I hope in the second place the Director will never hesitate to go before the Government with a plea for exceptional treatment of exceptional cases instead of slavishly adhering to the letter of the Code, and that the Director will not come with a reply that he was not competent to do so, it is the Government's business, because it is an open secret that he is the power behind the Crown, and if the result is disappointing we may take the Minister to task, but we also know that the Director was guilty.

I next refer to the depressed class education committee. There was a real purpose in the question which I put, as to whether that committee included persons not of the depressed classes themselves.

For no fault of these classes but due to our fault there is at the present moment not a sufficiency of competent men among those classes who can give beneficial advice to officers and the public generally. Therefore, every one who is really interested in them should be requisitioned in order to help forward the cause. I hope the Director will agree with me that the United Provinces, after all the years of the work of his department are not so barren of talent that he could not get on that committee a few individuals who would be able to give competent and helpful advice, and I would ask him to consider the addition of a few such men to that committee. The Hon'ble the Minister when he came to this part of the subject repeated in different language that if there were any persons who could be helpful in connexion with the depressed class education, then the matter might be considered. I would tell him straight away that if he wishes to have any competent men on the committee with advantage he can have many of them. If on the other hand he does not want any, let him say so instead of seeking refuge in indirect language which might convey anything except what he really desires.

Next, Sir, I come to the question put to me by the honourable Khan Bahadur from Budaun. He wanted the mover to explain how this sum of money was to be spent. This sum is to be spent, I say in answer, on more schools and better schools, on more scholarships and where necessary, more liberal scholarships, and in particular—this is a matter to which I attach great importance—upon the provision of trained teachers from among the depressed classes. This is a matter on which I would spend more liberally than on any other item. If the Khan Bahadur meant that the mover should have come forward, or should now come forward with detailed estimates such as we get in the month of March in a thick volume, I would tell him that that is the business of the department which is fed by the taxpayer with plenty of money, to supply.

Now I come to the most important personage who took part in the debate, the Hon'ble the Minister. I congratulate him on the speech which he has made, and I would say this. With a modesty that sits worthily like a crown upon the heads of the high and mighty, modesty, a quality that is rare unfortunately among successful men, but which is not at all a characteristic unknown in him to us, the Hon'ble the Minister made a statement which I would take leave to paraphrase broadly in these terms:

"The world was full of darkness and chaos and confusion. Then with infinite mercy I came upon the scene and with a wave of my honourable hand I said 'let there be light' and lo! and behold, there was light. There were men before me who held this office, who had charge of this subject, Pandit Jagat Narayan, the late lamented Raja Parmanand, Rai Rajeshwar Bali, Raja Jagannath Bakhsh Singh, Raja Bahadur Khushal Pal Singh—for the last of whom I have always had a special partiality—but until I came upon the scene the efforts which these people groping in darkness made ended in confusion, and now I hope it will be recognized that during the last 18 months the depressed classes have received a full measure of attention and whatever has to be done is being done and shall be done."

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As far back as 1912 the honourable member took the unusual step of engaging men of those classes as his personal servants. Everyone I think who lives in English style takes that step. But I congratulate him on the award of scholarships which he made. Here I am speaking seriously—my congratulations are very serious. I was gratified very much, and flattered myself when he said that there was complete agreement between him and me and I thought my duty as mover when I got up to speak in reply would end with the expression of thanks for what he said. But, Sir, as you know very well I am not among the more fortunate of the human species, and therefore that pleasing step has been denied to me and I have to proceed. I uttered the hope that in the debate upon this resolution at all events the very breath of contention would be avoided and I was glad that the Director of Public Instruction warmly responded to that appeal and made a speech in the same spirit. I humbly hope that I succeeded in the task I had set myself of not angering, of not displeasing, of not provoking controversy.

But the Hon'ble the Minister has said that interest in the depressed classes is very recent and although he contradicted the statement of my honourable friend to the right I do not accept his contradiction and with a full sense of responsibility I repeat that he used the words "For political reasons, prominence has recently been given." "Eighteen months ago there was no movement." In copying what he said I used quotation marks "For political reasons", "Prominence has recently been given." If the Hon'ble the Minister had not been limited in his interest to occupations of a profitable nature, if he had condescended, instead of looking down on public life, to take at least a fractional part in that life, he would have hesitated one thousand and one times before uttering this allegation that interest in the well-being of the depressed classes has been aroused in us very recently for political reasons. I fling back the charge in the teeth of the man who uttered it. And I say that the professed interest of the Government of which he is a minor limb in the depressed classes has been entirely political and very recent. As recently as the year 1917 or 1918, when a plea was made in the Legislative Council for more money for the education of the depressed classes the then secretary, as I said in my opening speech, declined, but when the Montagu-Chelmsford reforms were on the anvil, at once the Pandits of Anglo-India began to scratch their heads and find out ways and means of minimizing the influence of what Sir James Maston called the "politically-minded" in the future legislatures of the country. "The theory of counterpoise" was nothing unknown. I take that phrase from a published resolution of the Government of India, dated the 23rd August, 1907, over the signature of the Secretary to the Government of India, Home Department, Sir Harold Stuart. The Government of India then unabashedly put forward this theory of counterpoise and said that it was necessary to discount the influence of the educated middle classes in the legislatures and therefore there must be discovered ways and means by which they would not be potent factors in those legislatures. But enough was not done. The political movement went on gathering strength and momentum: therefore by the time the Simon Commission came the Government

gave the greatest importance to this subject, more importance than to any other subject: the result was the recommendations of that Commission. Last year I toured in the country for three months as a member of Lord Lothian's Franchise Committee and wherever we went, what was the spectacle except witnesses put forward by Government in order to espouse certain opinions? That was it. When questions were put to those witnesses as to what evidence they had given before Simon Commission, what evidence they had given before Mr. Montagu and Lord Chelmsford one witness in Calcutta—not clever enough, therefore the truth came out—said “We have only now been asked by the Government to make these demands.” I fling back the charge that interest in the depressed classes is recent and for political reasons in the teeth of the men who utter that charge and say “Look at the Government who swear by these leaders of the depressed classes.” The Hon'ble the Minister after having recited details of the work that had been done and was being done—for that work I offer him my congratulations—wound up with an appeal to me to withdraw the resolution. Having begun with an avowal, with a confession of complete agreement with the mover I do not know how the conclusion followed that that complete agreement must find expression in an appeal to withdraw. If there was complete agreement the last sentence of the speech should have been that he accepted the resolution. But, Sir, official psychology is very different from ordinary human psychology and the process of working of the official mind ordinary people can comprehend with difficulty and but partially. Those who have been inside that prison house can know a little more than others. The expression of sympathy in the abstract agreement in general terms, is intended to pave the way for the crushing of the cause for which an appeal has been made.

So it seems to have been the case with the Hon'ble the Minister and his speech. I would tell him: completely agreeing with him I decline the invitation. He said: we have done everything in our power for a wider diffusion of education among these unfortunate classes. I invite him to translate that complete agreement into practical fact and act and to say that he accepts the resolution and that he will come forward with an active, constructive programme of work which will produce results on which everybody could congratulate him at no distant date. The resolution does not make any extravagant demand; it asks that the allotment of funds should be increased to a minimum of Rs. 10 lakhs in the course of the next five years. The resolution does not bind Government to certain rates of increase. The increase in the first year may be small because the year may be spent in the preparation of a practical programme; the increase in the next succeeding years may be larger. All that we want is that this one lakh and a half which according to the Director of Public Instruction and the Hon'ble the Minister is now being spent on this subject, should be no less than Rs. 10 lakhs at the end of five years. That it is to say, in the space of five years they should spend Rs. 8½ lakhs more on this subject. If the Director of Public Instruction were to tell me that in the space of five years he would not be able to devise measures which would enable him and his Department, which would enable the district and municipal boards and village Panchayats and private philanthropic

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bodies like the Servants of the Untouchables Society—if he were to tell me that with the help of all these agencies he would not be able to spend Rs. 8½ lakhs more even at the end of five years, then I would say that this modest head of this modest Department—I use his own phrase—is something less than the Star of India which he has recently become. I hope he will not plead guilty to such a charge. I think, Sir, that the resolution that has been drawn up by my honourable friend who is absent today, my venerable friend Rai Bahadur Thakur Hanuman Singh, whose interest in this subject has never flagged, will be carried by the Council and that the Government will gracefully come forward and carry out these measures, and if they do not do it, the Council which will carry the resolution will also point to them the how and the way.

The Hon'ble the Minister for Education: Sir, after the eloquent outburst of the mover of the resolution I stand up with a good deal of diffidence to answer to him. But, Sir, I must say a few words in reply to the various points that have been raised since I spoke last. First of all, Khan Bahadur Maulvi Fasih-ud-din Sahib has asked us to include backward classes in the scheme of scholarships. Sir, we have not made any hard-and-fast division, and we generally look at deserving cases with consideration; but as he will himself admit, it is extremely difficult to define backward classes. There are degrees of backwardness and depression. The classification which I gave in my first speech was only for general guidance.

I now come to the speech of Thakur Giriraj Singh Sahib. He said that we should ask the district boards to spend more money on the education of the depressed classes than what is laid down as the minimum. Sir, we will do so. I think it is a good suggestion, and if the district boards have got the funds, they should certainly spend more on this important object. The minimum does not, of course, tie them to spending that much alone. They can, if they have the funds, spend more, and we shall draw their attention to this matter.

I now come to the speech of Rai Sahib Babu Rama Charana. He has made certain valuable suggestions which will receive our consideration. I think that some of them are extremely useful and we shall examine them.

I have now to deal with the speeches of the Leader and the Deputy Leader of the Nationalist Party. We started this discussion in a friendly spirit and I was sorry when the first note of contention and controversy was introduced by the Deputy Leader of the Nationalist Party. I have been taken to task for having taken credit for something which has been done during my regime. Sir, I did not mean to praise myself over it. Whatever I have done I have done in the ordinary course of the discharge of my duties. But with all the modesty at my command I may be permitted to say that I have done something practical which was not done before. It is true that my predecessors, for whom I have the greatest of respect and whom I honour as being infinitely more capable than myself, tackled this question, but I do not know why they were unable to take any practical steps to improve the education of the depressed classes. I applied myself to this work as soon as I took over my present office, and although the finances were

so low I was able to institute the scheme of scholarships and to set up a committee of the depressed class members. It is now in the hands of this committee to make recommendations, which will receive our most sympathetic consideration. When I say this I do not mean that I deserve any thanks for what I have done. It is a mere statement of what I have done and I leave it to the House to judge whether this practical step that has been taken is of more use to the depressed classes than all the pious wishes expressed before. Mr. Rajeshwar Bali pointed out that a certain rule was made, perhaps in his time or before, which did not permit the schools and colleges to refuse admission to depressed class boys. I do not deny this; but, if I may be permitted to point out, there were numerous cases where it was not observed. I would like Mr. Rajeshwar Bali to say whether he had during his time threatened any institution with the stoppage of grant if they refused admission to a depressed class boy. I took most stern measures and I claim that I have succeeded. Now there is not a single school or college in the province which can refuse admission to a depressed class boy. Mr. Rajeshwar Bali went on to take me to task for having said something which I never said. I refer to my alleged remarks in regard to the depressed-class question having assumed a political importance. What I meant then and what I say again is that the question of depressed classes has recently assumed a political importance.—I do not mean inside the Council, but outside—which it did not possess before. Nobody can deny that. Rightly or wrongly, the depressed classes were never reckoned with. I do not know whether exception can be taken to this remark of mine. I do not see anything wrong in it. If the depressed classes were receiving the consideration which is their due, it would not have been necessary for Mahatma Gandhi to do his 21 days' fast. Mr. Rajeshwar Bali referred to the various debates which had taken place on the question of depressed classes before my time. I confess that I have not read them. But what I said before and what I say again is that the Council gave me no mandate to take up the question of depressed classes education before I initiated the scheme of scholarships. The discussions on this question which had previously taken place were obviously for the benefit of my predecessors. What they did with them I do not know.

Now I come to the Leader of the Opposition and I will not say a great deal in regard to the remarks which he has been pleased to make against me. I will refer first of all to his difficulty in defining a calculus with which to measure the word "liberal". Well, Sir the calculus is Mr. Chintamani himself, he is the liberal of liberals. He has again taken me to task for having arrogated to myself credit which should not belong to me. I repeat again that I take no credit for what I have done and if we are able to solve this question of depressed classes education we have reason to be mutually thankful to each other. This modest scheme of scholarship when it develops ought to be the strongest factor in the development of the education of the depressed classes. It has been admitted that separate schools are not desirable. We can, therefore, only provide facilities for depressed class boys to go and join mixed institutions and this we are doing. I wish I had more money at my disposal to enlarge this work. The honourable mover has referred to my request asking him not to press

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his resolution. I am sorry that I made that request. I thought that the resolution became redundant when I explained that the Government was already doing what the resolution demanded, and I made that request for his benefit only. If he does not want to accept that request I have nothing more to say. So far as the Government is concerned they have in fact accepted the resolution, they have been doing what the resolution demands for some time past. Mr. Chintamani wanted an assurance that we would spend 8½ lakhs during the next four years. Well, Sir, the figure of Rs. 2 lakhs per year that I gave will easily make up these 8½ lakhs.

Mr. C. Y. Chintamani : If the Hon'ble the Minister will be kind enough to read the last part of the resolution, he will find that the request is that the annual expenditure on this education should be increased to not less than Rs. 10 lakhs by the end of five years, not that this amount should be spread over five years *minus* what he is already spending.

The Hon'ble the Minister for Education : Well, Sir, I am sorry, but as I read the resolution the word "annual" does not occur in the resolution. It is 10 lakhs in the course of the next five years. Perhaps my knowledge of English is not so great as that of the honourable mover, but I only read that meaning in this resolution. As the resolution stands, I accept it and there is no difficulty in doing that. But if the honourable mover wishes to import a fresh meaning into it, I may find difficulty.

Mr. C. Y. Chintamani : I had already explained.

The Hon'ble the Minister for Education : He may have explained it. But as the resolution stands there is no difficulty whatever. We have already been doing what the resolution demands. I repeat that again. So all the discussion here has been more or less gratuitous.

The honourable mover of the resolution made an appeal to me asking me to translate into practical fact and act the sympathy which I expressed. My reply to him is that I did not wait for his appeal, but I did what he wanted before the resolution was tabled.

The Hon'ble the President : The original motion was that this Council recommends to the Government to take immediate steps for the rapid expansion of education among untouchables in these provinces and with this object in view to increase the allotment of funds to a minimum of Rs.10,00,000 in the course of next five years.

Since when an amendment has been moved that for the word "untouchables" the words "the depressed classes" be substituted.

Another amendment has also been moved that for the words "to a minimum of Rs.10,00,000" the words "on a liberal scale" be substituted.

The question is that for the word "untouchables" the words "the depressed classes" be substituted.

The question was put and agreed to.

The Hon'ble the President : The question is for the words " to a minimum of Rs.10,00,000 " the words " on a liberal scale " be substituted.

The question was put and negatived.

The Hon'ble the President : The question is that the resolution as amended be adopted.

The question was put and agreed to.

RESOLUTION *re* ESTABLISHMENT OF A DISTRICT JUDGE'S
COURT AT BANDA

The following resolution tabled by Thakur Keshava Chandra Singh was not moved as the honourable member was absent?

" That this Council recommends to the Government to establish a District Judge's court at Banda for Banda and Hamirpur Districts."

RESOLUTION *re* ADJUSTMENT OF THE COST OF RAILWAY
POLICE IN THE UNITED PROVINCES

Kunwar Jagbhan Singh : Sir, I beg to move " that this Council recommends to the Government to represent to the Government of India as to the equity and the necessity of their bearing a much larger share of the cost of the railway police in the United Provinces and of relieving the local Government of a substantial part of the burden now imposed upon their revenues."

Sir, I have to say at the very outset that the purpose of this resolution is evident. We know, Sir, that we have been passing every year through deficits, and our budgets had been budgets of deficits. This year, fortunately, we have a surplus budget, but that by no means suggests that in years to come we shall have the same good fortune. As far as I know, we have been paying a much larger share of contribution to the Central Government towards the cost of the Railway Police which we use in our provinces. Sir, I think that this Railway Police is an all-India service in this respect that they not only serve our provinces but also other places of India. Part of the service is undoubtedly in our Province, but then we ought to have been taxed and we ought to have been allowed to contribute only that proportion of the share which was due from us. The case, however, has been that we have had to bear the lion's share of the contribution. In these circumstances I say that if Government urge the Central Government earnestly to adopt this resolution, both the United Provinces Government and the taxpayer will be in a position to get much needed relief.

Now, Sir, I do not know why so far the United Provinces Government have been silent on this point, and they have not requested the Central Government to take heed of this. Railways are under the control of the Railway Board and Railway is a central subject. Therefore there is absolutely no necessity that a fresh burden of taxation should be imposed on us when the taxpayer of the United Provinces has already been taxed to the utmost possible limit. It is a resolution

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Kunwar Jagbhan Singh : Sir, I beg to move " that this Council recommends to the Government to represent to the Government of India as to the equity and the necessity of their bearing a much larger share of the cost of the railway police in the United Provinces and of relieving the local Government of a substantial part of the burden now imposed upon their revenues."

Sir, I have to say at the very outset that the purpose of this resolution is evident. We know, Sir, that we have been passing every year through deficits, and our budgets had been budgets of deficits. This year, fortunately, we have a surplus budget, but that by no means suggests that in years to come we shall have the same good fortune. As far as I know, we have been paying a much larger share of contribution to the Central Government towards the cost of the Railway Police which we use in our provinces. Sir, I think that this Railway Police is an all-India service in this respect that they not only serve our provinces but also other places of India. Part of the service is undoubtedly in our Province, but then we ought to have been taxed and we ought to have been allowed to contribute only that proportion of the share which was due from us. The case, however, has been that we have had to bear the lion's share of the contribution. In these circumstances I say that if Government urge the Central Government earnestly to adopt this resolution, both the United Provinces Government and the taxpayer will be in a position to get much needed relief.

Now, Sir, I do not know why so far the United Provinces Government have been silent on this point, and they have not requested the Central Government to take heed of this. Railways are under the control of the Railway Board and Railway is a central subject. Therefore there is absolutely no necessity that a fresh burden of taxation should be imposed on us when the taxpayer of the United Provinces has already been taxed to the utmost possible limit. It is a resolution

[Kunwar Jagbhan Singh]

which I am confident both Government and the honourable members of this House will unanimously pass, because it is a relief both to Government and also to the taxpayer. With these few remarks I commend the resolution to the honourable members of this House and hope that it will be carried.

The Hon'ble the Home Member : Sir, the resolution recommends to this Government to represent to the Government of India as to the equity and the necessity of their bearing a much larger share of the cost of the Railway police in the United Provinces and of relieving the local Government of a substantial part of the burden now imposed upon their revenues. I wish to inform the House that we have already made representations to the Government of India. This was done some time back. The matter is under the consideration of the Government of India, and I can assure the honourable members of this House that so far as this Government are concerned, we will not be in any way behind in pressing our claims for an equitable settlement. I believe that the question will ultimately be decided when the financial settlement between the Central Government and the local Government is made. But I can assure the honourable member that we have already taken steps and that we will not in any way be lagging behind in doing what we can to get an equitable settlement of this question.

Mr. C. Y. Chintamani : Will the Hon'ble the Home Member be good enough to supplement his very satisfactory statement with the further statement that the Government will also communicate to the Government of India this resolution which is now before the Council ?

The Hon'ble the Home Member : Certainly, we shall do so.

The Hon'ble the President : The question is that this Council recommends to the Government to represent to the Government of India as to the equity and the necessity of their bearing a much larger share of the cost of the railway police in the United Provinces and of relieving the local Government of a substantial part of the burden now imposed upon their revenues.

The question was put and agreed to.

RESOLUTION *re* THE CONTROL OF THE PRIMARY EDUCATION OF GIRLS

Mr. C. Y. Chintamani : I beg to move—

That this Council recommends to the Government that the proposals of the Committee appointed by the Government to inquire into and report on the education of girls in the United Provinces to the effect that "primary education of girls should be controlled by Government, that the experiment should be tried in urban areas and that municipal boards should contribute towards the cost of extending and improving girls' primary education by a special tax. (increase of the house-tax)" should not be accepted by the Government.

Here again I am in the same difficulty as earlier when I moved another resolution. This resolution was given notice of by my friend and colleague, Rai Bahadur Babu Kamta Prasad Kakkar, chairman of the municipal board of Allahabad, but, Sir, the ballot is under nobody's control and he got no place. I having got a place and having been absent at the time, this resolution was fathered upon me. Unfortunately he is in bed owing to sickness and could not come.

For this reason I would beg the indulgence of the House if I am unable to argue the case for the resolution with a sufficiency of detail. But I have no doubt that the Director of Public Instruction will pack his speech with all the details, with as much as the Council will have the stomach to digest. With the proposal that is embodied in the resolution I am in complete and unqualified agreement. The recommendation that has been made by the committee of which disapproval is expressed here is very unwise. First of all control over the primary education of girls should be taken away from the municipalities and assumed by the Government. After this encroachment upon the legitimate sphere of local self-government, what is the next step that the Government should take? They should continue to call upon the municipal boards to contribute towards the cost of extending and improving girls' primary education. The Government will call the tune, the wretched municipal boards will have to continue to pay the piper. And it is not only what they are now paying. The municipal boards are called upon to impose a special tax in the form of increase of the house-tax in order that the proceeds might be handed over to the Government to be utilized by them in such manner as they please. I think the proposition has only to be stated in this form for it to be condemned by every fair-minded man. I do not agree that in urban areas it will do good to the cause of girls' education to disinterest members of municipal boards in that subject and for Government to take it over in their own hands. There was a public meeting at Cawnpore at which this proposal of the committee was condemned outright and the municipal board of Allahabad, after full discussion unanimously resolved to condemn this proposal. On the eve of the introduction of reforms when we are assured that Parliament will give us an autonomous provincial government, whatever it may do or may fail to do in the centre, at such a juncture this committee comes forward with a recommendation that municipal boards should be deprived of the control which they exercise over girls' education. The plain meaning of this is that in these unfortunate provinces even the better educated and more enlightened urban areas have proved their incompetency to this extent, that they cannot be trusted to do their duty in essential sphere of national life. I do not plead guilty to the charge, much less would anyone who has anything directly to do with municipal administration so plead guilty. And here I would make a particular appeal to Rai Bahadur Vikramajit Singh as one who has been chairman of the municipal board of Cawnpore and who was a member of that board for nearly a generation to say whether in his city he and his board or their predecessors or successors have so neglected, so mismanaged the subject that they would countenance a proposal of this kind. My friend who should have moved this resolution has had the profit of experience as chairman of the municipal board of Allahabad and he as well as the board stated have their opinion in no mistakable language quite recently. Let the opinion of municipal boards be taken. I doubt not what they will say. Let any section of public opinion be asked. I doubt not what the answer will be. The committee's proposal is most retrograde and I regret that it should ever have been made by any committee. I earnestly hope that the Government will not prove

[Khan Bahadur Maulvi Fazlur Rahman Khan]

themselves to be so utterly reactionary as to give countenance to this most objectionable proposal.

Shaikh Muhammad Habibullah: Sir, I rise to lend my entire support to the resolution moved by the Leader of the Opposition. As a member of the Lucknow Municipal Board I can say that nothing can be so objectionable as this. As has been described by the honourable mover of the resolution the Municipal Board of Lucknow has also condemned it. It is an irony of fate that such a recommendation should have been made. Apart from that I know it for a fact that Mrs. J. P. Srivastava, who is so enthusiastically interested in the education of women and who is also a member of the committee, was absent from the committee when this decision was taken. My wife happened to be the only lady who opposed it and I hear that the report of the committee has been submitted to the Government unsigned by the members of the committee. I think in these circumstances Government would accept the recommendation made by the Leader of the Opposition and accept his resolution.

Mrs. Kailash Srivastava: Sir, I beg to say a few words as I happen to be the president of the committee. I am sorry to say that when this resolution was passed by the committee I was unfortunately absent. The resolution was that girls' education should be taken away from the control of the municipal boards. Unfortunately the members present that day were of the opinion that the matter was not discussed as thoroughly as it might have been. The members present at the meeting were no doubt influenced by the facts that girls' education under local bodies has not made much headway and the women have very little say in the matter. I am of the opinion that as the resolution has not been confirmed by the committee yet, I hope that another opportunity of examining the whole matter will arise at the next meeting and the women will take this matter into consideration. By an unfortunate mistake of the secretary the unconfirmed resolution was sent to Government for necessary action. I have since then asked Government to stop action which, I hope, they will very kindly do. I hope that this will satisfy the honourable mover of the resolution and he will withdraw it.

Khan Bahadur Maulvi Fazlur Rahman Khan: I rise to give my whole-hearted support to the resolution that has just been moved. My reasons are cogent and strong. If the recommendation of the committee is accepted it will amount to a sort of censure on all local bodies the majority of which are, in my opinion, discharging their duties properly. Until a strong case is made out against the boards the proposed interference cannot be justified. Secondly, it is unjust to ask the local boards to contribute towards the education of girls in their respective districts without allowing them a hand in the management of affairs. My third reason in support of the resolution is that the recommendation of the committee is also contrary to all principles of democracy. Every public body is trying to have as many rights and privileges as possible. I do not see any reason why the powers of local boards should be curtailed. There is yet another reason in support of the resolution. In this matter the boards being primarily concerned Government invited their opinions a short time ago. If

my information is correct the majority of municipal boards expressed their disagreement with the proposal of the committee. In face of this strong opposition it will be improper to accept the recommendation. Recently one female member has been added to every board. If the local boards do not spend sufficient money on female education the lady member will, I hope, be able to secure through her influence adequate arrangements for female education. Local boards are under the Government and are bound to obey all legal and just orders issued by the latter. The Government should keep a watchful eye on the activities of the boards in this direction. Whenever Government finds any particular board making default in the discharge of its duties in connexion with female education proper steps can justifiably be taken against that board. Under these circumstances I think the resolution should be accepted by the Hon'ble Minister.

Mr. A. H. Mackenzie : Mr. President, I regard the resolution of my friend as a great compliment to the Education Department. He has told us that he was successful in the ballot and decided to utilize the uncertain opportunity which the ballot provided in order to raise this particular issue. I have no doubt that before he did so he surveyed the whole field of education and considered what were the most flagrant of those things which the Education Department have done which they ought not to have done, and those things which they had left undone which they should have done. He no doubt also kept in view the consideration that he must on an occasion like this raise an issue which would revive the drooping spirits of his own party, depressed as they are after the defeat they received two days ago.

Mr. Brijnandan Lal : What about Government?

Mr. A. H. Mackenzie : Having surveyed the whole field of education he chooses an issue which would give him an opportunity of bringing his powers of criticism to bear on the Education Department. When he chose this particular issue, I think he showed that there cannot be very much wrong with the Education Department, because this issue is not even a live issue. Mrs. Srivastava has told us that the committee over which she presided passed this particular resolution. She has explained that the resolution was passed in her absence. The ladies of the committee, like naughty school girls in the absence of the school mistress, passed this particular resolution and later on said that it was not quite what they meant. Why they passed it in this particular form I do not know unless it was out of pure mischievousness knowing that a resolution of this kind would act like a red rag to a bull on the honourable Leader of the Opposition and that he would stamp and rage at the audacity of a committee recommending to Government that the control of girls' education should be taken over from local bodies and be transferred to Government themselves. I have said that the committee seem to have passed this resolution under some misunderstanding as to its implication. But the resolution was clear enough as Government read it. It was sent to Government by the secretary of the committee. The Government were very anxious to further the proceedings of this committee. They did not know there was any misunderstanding about the matter; they did not even know that the proceedings had not been confirmed. They did the

Mr. A. H. Mackenzie]

least that Government could do in ordinary courtesy. They sent the resolution to those who were most concerned, namely the local bodies themselves and asked them what they thought about it. That is the present position. Government have not yet received the opinions of local bodies. When Government receive them, they will examine them. If they think after considering the opinions of local bodies that the resolution is one on which they should take action, they will then consult this House. They had no intention whatever of taking action without consulting this Council. Therefore my honourable friend the mover of the resolution has raised this question prematurely. But as he has done so, I may be permitted to say that there is something to be said for the resolution. Government have not committed themselves to it, but it is a resolution which cannot be disposed of in a few phrases such as those used by my honourable friend opposite, that it is utterly reactionary, that it encroaches on the sphere of local self-government. We are all familiar with these phrases which, without any disrespect, I may call tub-thumping phrases; but there is no argument in them. Phrases of that kind might have been relevant perhaps twelve years ago before the present reforms were introduced. Twelve years ago a proposal to transfer power from a local body to Government would have meant transferring power from a popularly elected body to a bureaucracy.

A voice : What are you now ?

Now with a Minister, the Government is a Government responsible to the House. That seems to please my honourable friend. Far be it from me to deny him an inexpensive pleasure. I repeat it. I say that the Government today is a Government responsible to the members of this House.

Mr. C. Y. Chintamani : In spite of your presence ?

Mr. A. H. Mackenzie : I say, Sir, that today the transfer of power from a local body to Government means transfer of power from a local body to this House which provides the bulk of the money. The question raised by the resolution can be stated in another way. The question is this : Does the House when it votes money for expenditure on girls' education wish to use as its agents for the spending of that money bodies that are in no way responsible to this House, or does it wish to use the Education Department, which acts under the Minister, who in turn is responsible to members of this House ? I have only to state the matter that way to show that at any rate this question has two sides. My honourable friend, again I say without any disrespect, is in great danger of becoming what I may call a political pedant, that is to say a man who has got fixed, inflexible, cast iron political opinions and applies them even to changing circumstances and new conditions. I say that times have changed, conditions have changed and a question of this kind has to be examined not by old political theories but in the light of present constitutional developments. While I emphasize that point again I say that I do so simply to show that this question has two sides. It cannot be disposed of by trite phrases. It has to be examined on its merits. And the position of Government is that they neither oppose this resolution nor do they accept it. As reasonable people we shall consult those who are most affected by it and if after

examining the opinions of local bodies we find that a change of this kind is desirable to the extent recommended by these ladies or to a less extent then we shall put our proposals before this House. I therefore appeal to honourable members not to make up their minds on an important question of this sort in a few minutes. Let them wait until Government can place before them the views of municipal and district boards. Then let them take an unprejudiced view of the whole matter and bearing in mind one thing only, namely, the interests of girls' education, let them decide what to do in the matter, whether to give effect to the resolution in whole or in part or to turn it down altogether.

Khan Bahadur Hafiz Hidayat Husain: Sir, I shall be very brief and just to the point, for I feel that after the resolution has been so ably moved by the honourable member for Partabgarh and supported and seconded by my friends Shaikh Habibullah and Maulvi Fazlur Rahman Khan I will probably find myself in a minority if I were to say anything against the spirit of the resolution. But I must say that when the proceedings of the committee were sent up to Government, the Government consulted local bodies. All opinions have not been so far received by the Government as Mr Mackenzie has pointed out but I know it as a fact that there is a large mass of public opinion very much in favour of the recommendations of this committee, reason being that even the education of boys has been in certain local bodies including many municipalities neglected to an extent that reaction has set in and it is seriously thought by those who are interested in the development of education in these provinces that local bodies should be deprived of authority over education, primary education at least, and that primary education should be entrusted to the Government. In the reformed Government when the local bodies were entrusted with primary education and with authority over education constitutional development in the province had not gone very far. Things are going to be different now. Surely this Council will be the sole authority when all the subjects will be transferred to its control. Even now the Minister of Education and the Department of Education are responsible directly to this Council. Therefore, Sir, it cannot be said—I entirely agree here with the Director of Public Instruction—that Government in matters educational means a bureaucratic Government. If you say this the authority of this Council is ignored. But as Mrs. Srivastava has pointed out there is some reaction even among the members of the committee with regard to its recommendations and it is felt that considered opinion has not been sent to the Government. Probably another set of opinion may be forthcoming. When and if it does come, when local bodies have been consulted, it will then be time to consider whether the spirit of this resolution should be adopted by the Council. I only confine myself to saying at this stage that there is a large mass of public opinion in these provinces very much in favour of the opinion that has been sent to the Government by the committee over which Mrs. Srivastava presided with regard to education under the local bodies and it is strongly felt by an important section of public opinion that girls' education should be in charge of the Government.

Rai Bahadur Babu Vikramajit Singh : Sir, the Leader of the Opposition has made an appeal to me that I should make a statement with regard to the education of girls under the control of the Municipal Board of Cawnpore. I have no hesitation in saying that the Municipal Board of Cawnpore has done very well indeed in the matter of girls' education in the city of Cawnpore, and I think the Director of Public Instruction will recognize the fact that so far as girls' education in Cawnpore goes, it is very satisfactory indeed; and I further think that if the standard of girls' education had been the same throughout all the municipal boards in the province it would have been absolutely unnecessary for Government to take the education of girls into their hands. But I will have to admit that under many of the municipal boards the education of girls is not as satisfactory as it is within the municipal limits of Cawnpore. The Education Department and the Minister of Education are responsible to this Council for the spread of girls' education, and I think, Sir, that if they take up girls' education into their hands they act perfectly in good faith, but in my opinion discrimination has to be made. They ought to look into this question from this point of view. They ought to lay down a certain standard and see whether the municipalities go up to that standard, whether they are conducting the education of girls according to the standard laid down by them, because, after all, they are taken to task by the Council, the Council always calls upon Government to say why the education of girls is not proceeding as rapidly as it should, and consequently it is their lookout to see that the municipal boards fulfil certain standard. They should also give notice to the municipal boards that if any of the boards do not come up to the standard laid down by the department or do not follow the rules laid down by the department, then the education of girls under that particular board may be taken over by Government. It is the primary duty of the Government to see to the spread of girls' education. But I do not think that a sweeping report like that passed by the committee was justified. The committee ought to have recommended to the Government that the Government should see that the municipal boards should conduct the education of girls up to a certain standard and that those boards who come up to that standard ought to be exempted, and if any board fails to come up to that standard then the Government should interfere. Under those circumstances I do not see any reason why the Government should not step in. I do not think that the Government can be charged with being reactionary if they in good faith step in in the cases of failure by the municipal boards to discharge their duty. That is my opinion on the question before the House.

Thakur Balwant Singh Gahlot : I was surprised to find that such an able man like Khan Bahadur Hafiz Hidayat Husain should come forward and say that generally he was opposed to the administration of local bodies as such in the matter of education. If we were to examine the reports of the department we will come to this conclusion, that the local bodies have been spending on education proportionately more than on any other department. In this connexion, Sir, I refer to the case of the district board in which I am interested. To that board the Government is contributing only proportionate of Rs. 5,000 for girls' education and the district board has been spending no less

than Rs.11,000. Government have been requested to contribute at least something proportionate to that amount but those requests have been ignored. If this is the condition of some of the local bodies, then I am afraid in the event of control being transferred from the local boards to the Government, the change may be for the worse. The Chairman of the Meerut District Board told me in a note that he had the same grievance.

Khan Bahadur Hafiz Hidayat Husain: The resolution refers to municipal boards and not to district boards.

Thakur Balwant Singh Gahlot: The resolution refers to local bodies, and not to municipal boards alone. The experiment with regard to the transfer of control to Government referred to in the resolution might after a time be extended to district boards. To say then that the local bodies have failed in their duty towards the education of girls is in my opinion too sweeping a condemnation of the administration of the local boards. Moreover, when the education of girls was placed under the control of the local bodies the conditions were quite different. As compared to that time the expenditure now on girls' education has doubled and in some cases even trebled, while the income of the boards remains the same. With this handicap the local bodies have been doing what they can in the matter of girls' education. It may be that in the case of certain municipal or district boards the control may not have been suitably exercised, but this does not mean that there is sufficient ground for taking away the control from them. There is a further point. The local bodies are composed of members of the locality. Such persons are expected to take more interest in the education of their local areas than the Government situated at a long distance from them. A trouble arose on the question of treatment of girls clad in *khaddar* in the Government Girls' Model School at Bijnor. For a time there was lot of agitation, but ultimately it was all amicably settled. I submit that if some of the boards have been neglecting their duty in the matter of girls' education, Government have got the power to interfere in the matter. Government can stop the grant and in this way they can teach a lesson to the recalcitrant board. To my mind there is no case for taking over the control of girls' education from the local boards by Government.

Mr. E. Ahmad Shah: Sir, in view of the remark that has been made by the Director of Public Instruction that the matter referred to by the resolution is under consideration and that the opinion of the municipal boards has been invited, and further in view of the fact, as stated by the President of the committee, Mrs. Srivastava, that the resolution was discussed in her absence and not confirmed by all the members present, I am persuaded to put forward an amendment to the resolution, if you, Sir, will allow me to do so at this late hour. My amendment is that in place of the words "not be accepted by the Government" the following words be substituted: "be held in abeyance till the opinion of the municipal boards is available for consideration."

The Hon'ble the President: Is there any objection to this amendment being moved?

Mr. C. Y. Chintamani: Sir, I object.

The Hon'ble the President : As there is an objection, this amendment cannot be moved.

Mr. E Ahmad Shah : If the permission to move the amendment is not given, then I will speak on the resolution as it stands on the agenda paper. It is rather unfortunate that we have taken it for granted that there is a likelihood of these proposals being accepted without further consideration.

Sir, the arguments that have been presented before this House for rejecting the proposals are mainly based on one point, and that point is the power which is to be exercised by the municipal board or by the Government. In this issue we should not give heed to the point as to who is to exercise the power. The main point at issue is the efficiency of the education of the girls concerned. If all the time we are fighting for power and control, the real points at issue will be left unattended to. Are we here to decide as to how much power is to be controlled by the municipal board and how much by the Government, or are we here to consider the efficient carrying on of our girls' education? From what I know of the education of boys as controlled by the municipal boards from the discussions held in our previous Legislative Council sessions during the last two years, I am inclined to think that somehow or other the attention of the municipal boards is not so much given to education as it is devoted to the control of finances, the control of people and the control of other departments. During the last two Councils we have been amending the Municipalities Act with a view to determine as to who should be the officer in charge of the education of boys. There has been a very keen controversy whether the Secretary of the Education Committee of the board should be the Deputy Inspector of Schools or a man appointed by the municipal board. We have witnessed which way the wind was blowing. I am persuaded to say again that the tendency on the part of the municipal boards has been more to fight for the retention of power in their hands rather than the consideration of the efficiency of the education of boys. Keeping this in view, I am inclined to think that this proposal savours of the same tendency, that it indicates a similar movement on the part of the supporters of the resolution. Therefore, if a decision is to be arrived at today I oppose the resolution, not because I wish in any way to interfere with the rights of municipal boards, but because I would like to safeguard the interests of the education of girls. In conclusion, Sir, I appeal to the mover of the resolution not to press it, but to withdraw it and accept the spirit of my amendment.

The Hon'ble the Minister for Education : I have not much to say at this late hour. The Director of Public Instruction has explained what the position of the Government is and I only wish to add that this resolution is premature. The resolution of the Girls' Education Inquiry Committee has been referred to the local bodies for their opinion. Some of these local bodies have sent in their opinions and it will, perhaps, interest the House to know that several of these are in favour of girls' education being taken over by Government, although they do not agree to bear the cost of it.

(An honourable member : That is the main reason.)

Whatever the reason, they find the responsibility too much for them. We are not committed to any view and so far as we are concerned the

entire question is quite open. Even if the Government think of accepting this proposal they will not do so without consulting this Council. It will then be time to discuss in what way the proposal should be given effect to. It is not necessary that any change which may be decided upon should be made to apply to all the municipal boards of the province, or that the municipal boards should be made to contribute anything towards the cost of girls' education, or that the proposal should be applied permanently. These are all open questions and this Council will have the opportunity of discussing them. The main thing that we are concerned with in connexion with this matter is the state of girls' education in the province. There is no getting away from the fact that girls' education has been sadly lagging behind. Whatever the reason, the state of affairs is that in the primary schools of the province, which are all controlled by local bodies, there are 64,000 girls as against 12 lakhs boys. I mentioned the figure 64,000, that is out of a population of nearly 23 million females.

Shaikh Muhammad Habibullah: What is the proportion in the case of higher education of girls?

The Hon'ble the Minister for Education: You cannot build without some foundation. So, Sir, there is something wrong with the system which at present controls girls' education. We should make an attempt, and an honest attempt, to find a way whereby this state of affairs should be remedied. I say again, we are not committed to accept the views of the Girls' Education Inquiry Committee and the whole question is still under consideration. I would appeal to the honourable mover of this resolution not to prejudge the issue. The very bodies whose interests he is espousing have been asked to give their views. Let him wait for those views in a true democratic fashion and then come to a decision. The Government will not oppose the resolution, nor will they vote in favour of it.

Mr. C. Y. Chintamani: I congratulate the director of public instruction and also, I condole with him. I congratulate him on the quality of loyalty which he has displayed today. He found some little time ago that his present chief was criticized, whereas he himself received appreciation. He was afraid that his position had become invidious and he must have used his inventive genius to find how he could alter the position and get a little criticism from me, so that when the Council rose for the day he and the Minister might be on the same cheerful and equal terms as when they entered the hall. But B.Sc. as he is (or is he an M.Sc.?), I suppose mathematics was not one of his subjects, or he would not have said some of the things he said about me. He has described my position in his own way. I got a place in the ballot. I did not know what to do with it. I surveyed the entire field of government. I fixed upon the Education Department. I could not find anything to criticize in what the Education Department was actually doing. So I scratched my head, and pounced upon this plan to move this resolution. Why did I do so? Because the day before yesterday I had a defeat in the Council. I suppose the director thought it was the first—and I fear it may not be the last—and the spirits of my party were too damped, and I did not know how to revive them. I therefore took

[Mr. C. Y. Chintamani]

up this cause. All this is fiction. Sir, as I said in my speech, Babu Kamta Prasad Kackar, who had given notice of this resolution, got no place in the ballot. It was found that I secured one. But it was found by members of my party present at the ballot that I had not given notice of any resolution. Therefore, they handed this in my name as I would be able to transfer it to its author. You, Sir, were requested to allow Babu Kamta Prasad Kackar to move it. But Babu Kamta Prasad fell ill. He could not come here. It was only last night that a telegram came from him that he could not come. You, Mr. President, can testify that a formal application from me was before you when you arrived today stating all the circumstances and begging you to allow Babu Kamta Prasad Kackar to move it, if he managed to come, otherwise to allow it in my own name. Next, Sir, Tuesday's defeat was not of my party. The Immoral Traffic Bill was not a party question. Three members of the party voted for the reference of the Bill to select committee. It was never made a party question. Because a number of individuals who were opposed to the reference of the Bill to select committee were in a minority on the 27th June, therefore, in the exercise of the gift of anticipation vouchsafed to me by the director of public instruction without my knowledge or request—I suppose in the old days when he was a colleague of mine—on the 16th of June, right from Allahabad I communicated ethereally with Naini Tal to arrange to jettison Babu Kamta Prasad Kackar and to move the resolution myself. I hope it was not this kind of mathematics which obtained for the director of public instruction the degree of B.Sc. And then, Sir, came tub-thumping. This came appropriately from the mouth of that speaker. What is his nationality and what is the national beverage of Scotland and at what stage of its use do its patrons take to tub-thumping? I need not say more to congratulate the director of public instruction on having at long last lighted upon a word which sounds the most appropriate on his lips. I need not follow him into an exposition of first principles as to what a transfer of power or responsibility means. I am not going back to the old days when he was at the Training College at Allahabad to be taught by him what bureaucracy means, what the transfer of responsibility means and so on. Following his example his nominal chief later stated what constituted the true observance of democratic principles.

I will, in my untutored way, also state what the official exposition of the doctrine of transfer of responsibility means or can mean in actual practice. Never mind, whatever municipalities are or are not allowed to do. Let everything be resumed by Government. Government means the Minister and the Minister is responsible to the Council. Therefore power will rest in the hands of the Council. Against this surely there can be no complaint. Sir, this all is very plausible and sounds fine. If, under the cloak of this doctrine of ministerial responsibility, municipalities were ill-treated and power usurped by Government, the department of public instruction and its head, the director of public instruction, will become the real power. Of this, this Council has had so much experience that it will not need to be persuaded of the truth of what I have said. According to the director of public instruction this is not bureaucracy. It is

the pure milk of the democratic creed. But, Sir Jeremy Bentham might well turn in his grave if he could hear this exponent of his democratic doctrine. Let there be no mistake. The Council should understand, notwithstanding what has fallen from some honourable members who somehow manage to find nothing wrong with the Government, when it is sought to deprive municipal boards of control over girls' education. Let those members who have any knowledge of what the managements of private schools think of departmentalism as it is understood and practised by the department of public instruction, tell me whether the transfer of control from local bodies will result in more departmentalism or more power to this Council.

The director of public instruction having pleaded that this resolution is premature, was not content to rest his case on that plea. If he had not indulged in more and further argumentation, if he had left the matter where the speech of Mrs. Srivastava, the chairman of that Committee, did, there might have been justification for the argument of prematurity. But the English language has taught us this sentence "The beast shows the cloven foot." How can a departmental officer, steeped to his finger-tips in departmentalism, help betraying himself? Is there a single member of this Council with a knowledge of English who would have failed to notice from the speech of the director of public instruction what the bias of his mind was, what he would do if left to himself? Let anybody read that speech and if after reading it he can come and tell me that the director is an impartial man, I shall give him a prize. The director of public instruction's mind is hermetically sealed on that side through which we approach him. The Government take prompt action on the resolution forwarded to them by the Secretary of the committee. Are honourable members of this House unaware of the promptness which is the mark of Government in various matters brought to their notice by us? The Secretariat is known as the circumlocution office. Departmentalism had the benefit of many expositions one of which was that a certain office in England received a communication in which incidentally there was this phrase "since the death of Queen Anne." The genius of the Secretariat clerk through whose hands the paper passed said, among other things, "Whereas this phrase 'since the death of Queen Anne' occurs in the communication, a most vigilant search was made in this office but it failed to show any official confirmation of the death of Queen Anne. Submitted for orders." The chief said perhaps the Board of Education might know it. When they could not find anything, then it was sent to the Board of Trade and so to all the Cabinet offices and at the end of 12 months they said "We are unable to say whether Queen Anne died or not. Deposit. No action need be taken."

But as soon as this resolution was conveyed to them, the Government in this director's department proceeded to take action. Did they wait for the complete report of the Committee? Did the Girls' Education Committee appointed by them sign the report and submit it? As soon as this resolution was received, at once it was referred to the municipal boards. The Minister has said that several boards have expressed approval but they are unwilling to pay. As admitted by the honourable member for Bijoor, they were sick of the Government's control owing to this departmentalism and, therefore, they thought

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they had better get rid of it so that they might at least not have to pay. But these innocent boards did not realize that their request to get rid of girls' schools be accepted and yet they might still be made to pay. But boards or no boards, I have no hesitation, with profound apologies to the great Pandit of constitutionalism, the director of public instruction, I have no hesitation in repeating that this move is utterly reactionary. Democracy, radicalism and all that we have to learn from the present Government of the United Provinces! We do not know anything, we do not know what radicalism or democracy or responsibility or constitutional government means. To those gentlemen over there who have spent their lives in activities other than political, who enjoy the exercise of departmental authority, who are tory to their finger-tips in political opinions and political acts, we should go to sit at their feet in order to learn what responsibility, freedom, democracy, constitutionalism, all these mean. It is not the first time that among all the people in the Government, the director of public instruction has assumed the task of teaching what radicalism and democracy mean. Once before he did it and tried to teach what democracy and radicalism mean.

The honourable Khan Bahadur from Cawnpore made an astounding statement in his speech, that the education of boys and girls had suffered very much by a modicum of power being given to local bodies. I do not know whether he finds time or inclination to read the annual reports of these bodies and whether he has taken up any statistical publication to see what was the state of education among boys and girls say, 15 years ago or 10 years ago, and what it is today. I do not say that municipal boards are a model of efficiency; notoriously they are not; neither is the Government of the United Provinces. If they will just let me look at their files I will produce such an overwhelming number of cases which are such examples of inefficiency that they will themselves be astounded. If girls' education and boys' education have not made the progress which they ought to have made, the primary responsibility is of the Government and the secondary responsibility is of the local bodies. What are the sources of revenue of local bodies? What are the statutory obligations they have got to discharge? What are the optional duties cast upon them in addition to the statutory obligations? What is the economic condition of the people? What are the amounts of imperial and provincial taxation which they have got to pay? How can they afford to pay more in local taxation on the top of imperial and provincial taxation? None of these questions is relevant in the eyes of the critics of local bodies as they will not satisfy their purpose. The honourable member for the United Provinces Chamber of Commerce has supported the resolution no doubt, but has taken a line which I cannot commend. I referred to his long and close association with the municipal board of Cawnpore. He said everything was all right in Cawnpore, but not all right elsewhere.

Rai Bahadur Babu Vikramajit Singh: I did not say that. I said there are some municipal boards which are not discharging their duties in the matter of girls' education properly. I did not say all other municipal boards were good. I said that in Cawnpore and in some other places the municipal boards are discharging their duties properly.

Mr. C. Y. Chintamani : I did not say all either. I said elsewhere. Every one speaking of his own place can say so. You read the proceedings of the Allahabad municipal board on this recommendation of the Girls' Education Committee and you will find that the board has put forward its case in its own behalf. My honourable Shaikh Habibullah, has made out a case for the city of Lucknow and by this process every one can come to the conclusion that will satisfy him. It will show that everywhere the progress of girls' education is satisfactory. I myself say, and I do not apologise for the district and municipal boards, and I freely admit that they make mistakes, not only in the sphere of education but in the entire sphere of administration. They make many mistakes. They have yet to learn much. But it is not proper that, because they have yet to learn you should deprive them of even the modicum of power which they wield at present. Details were produced of corruption in a number of important local bodies in England—of which Anglo-Indians should take note—and nothing was heard of that. It is the old story of mother-in-law and daughter-in-law. Granted that not all local bodies do their duty satisfactorily. Granted that no final decision has been taken on this unauthorized recommendation of the Girls' Education Committee. (I use that adjective on account of the relation of the circumstances in which, according to the chairman of that committee, this resolution happened to be passed.) It might have been possible to hold further consideration of this resolution in abeyance as has been pleaded ably by Mr Ahmad Shah. But after the betrayal of their minds made by the Hon'ble the Minister and the director of public instruction, it is quite evident what the Government will do if left to themselves.

The Hon'ble the Minister for Education : I will consult the Council before doing anything.

Mr. C. Y. Chintamani : They will consult the Council before doing anything. When will they consult the Council? In what form will they consult us? Have they ever tabled an official resolution to ascertain the opinion of the Council? When the Hon'ble the Minister says that he will not act without consulting the Council, his words make no appeal to my mind after all he did in connexion with the introduction of the auction system in excise without a word from the Council and behind its back. When they utter arguments of democracy and radicalism, when they talk as they do of the inefficiency of municipal boards and the necessity in the interests of girls' education of Government having control, I say "Physician, heal thyself." The state of female education in the United Provinces is so sadly backward on account of the indifference of the Government of this province. Sir James Meston, when he was Lieutenant Governor, of this province, was repeatedly approached to do more for women's education than he had been doing. He propounded the doctrine that it was the business of the Government in the matter of the education of girls—I am quoting his own language—to follow public opinion at a distance and not to be in advance of it. Every time he repeated that the Government should not be in advance of public opinion, but should follow public opinion. Consider the amount of money Government spend upon the education of women in these provinces. What is the

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percentage of Government revenue spent on girls' education here and what is the corresponding percentage in other provinces? From this will be easily found why girls' education is so backward here. When Government come forward as apostles of rapid expansion of girls' education and chastise municipal boards as agencies responsible for backwardness, I can only smile irreverently at the audacity of the claim put forward. I have no intention of withdrawing the resolution.

The Hon'ble the Minister for Education : When I made that appeal to Mr. Chintamani I knew that my chances of success were poor. Reason or no reason he must persist in a view which he has formed. I have already stated Sir, that we are not concerned with this resolution at this stage. The whole matter is under consideration and I repeat the assurance that I gave before that I will not do anything unless I have consulted the Council. I do not know the material on which Mr. Chintamani has formed his views. He says that this resolution was intended to be moved by the Chairman of the Municipal Board of his great city. Unfortunately he could not get a place in the ballot and so it fell to the lot of Mr. Chintamani to sponsor his cause. He has not told us that other municipal boards agree with the Allahabad board in the view that girls' education should not be transferred to Government. Anyway, he has not described the grounds on which he bases his resolution.

My main reason for asking him not to press the resolution was that full material is not ready yet. The girls' education committee is itself going to re-consider the whole matter. They themselves might put forward some alternative proposal. At the same time opinions of the local bodies are awaited. In these circumstances I really do not see any reason why Mr. Chintamani persists in his resolution.

Khan Bahadur Saiyid Jafer Hosain : I just wanted to know from the Hon'ble the Minister if he would consult the Legislative Council before taking any action?

The Hon'ble the Minister for Education : I have given that assurance most clearly.

Pandit Joti Prasad Upadhyaya : May I know in what way the Hon'ble the Minister would consult the Council?

The Hon'ble the Minister for Education : The exact method how the Council will be consulted will be decided later on.

Mr. C. Y. Chintamani : I think I should be magnanimous and listen to the appeal of the Hon'ble the Minister and withdraw the resolution.

The motion was, by leave, withdrawn.

The Council was then adjourned at 4.30 p. m. till the following day.

APPENDIX A

(See page 169, supra)

Statement referred to in answer to starred Council question No. 32(e) for the Council meeting of 29th June, 1933, asked by HAFIZ MUHAMMAD IBRAHIM SAHIB

Year			Pay of—		T. A. of		Contingencies	Purchase of tent, etc.	Grand Total
			F. P. O.	Staff	F. P. O.	Staff			
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1929-30	..	..	2,750	520	699	291	3,940	1,625	9,825
1930-31	..	..	6,778	1,248	1,799	844	9,617	..	20,286
1931-32	..	..	6,894	1,216	1,525	605	9,355	..	19,595
1932-33	..	..	6,748	1,152	1,195	550	6,250	..	15,895

LEGISLATIVE COUNCIL UNITED PROVINCES OF AGRA AND OUDH

Friday, 30th June, 1933

THE Council met at "Old Sherwood" (Government House grounds), Naini Tal, at 11 a.m. The Hon'ble Sir Sita Ram in the Chair.

Present (39)

The Hon'ble Mr. E. A. H. Blunt.
The Hon'ble Kunwar Jagdish Prasad.
The Hon'ble Nawab Sir Muhammad Yusuf.
The Hon'ble Mr. J. P. Srivastava.
Mr. J. M. Clay.
Mr. J. L. S. the.
Mr. P. Mason.
Mr. P. M. Kharegat.
Mr. H. A. Lane.
Mr. J. J. W. Allsop.
Mr. A. H. Mackenzie.
Mr. H. J. Frampton.
Rai Bahadur Pandit Suraj Din Bajpai.
Rai Bahadur Babu Phul Chand Mogha.
Khan Bahadur Saiyid Ain-ud-din.
Saiyid Abdul Hasan.
Mr. Hari Kisben Mathur.
Mr. D. L. Drake-Brockman.
Mr. S. T. Hollins.
Mr. M. Masud Ali Khan.
Mrs. Kailash Srivastava.
Khan Bahadur Manvi Fasih-ud-din
Captain K. O. Carleton.
Mr. N. Ahmad Shah
Rai Sahib Babu Rama Charana.
Mr. Perma.
Rai Bahadur Babu Awadh Bihari Lal.
Rai Bahadur Babu Kamta Prasad Kakkar.
Chaudhri Ram Dayal.
Chaudhri Jagannath.
Chaudhri Baldeva.
Rai Sahib Sahu Jwala Saran Kothiwal.
Mr. Tappu Ram.
Pandit Moti Lal Bhargava.
Chaudhri Ram Chandra.
Chaudhri Ghasita.
Chandhri rjun Singh.
Rao Bahadur Thakur Bikram Singh.
Kunwar Girwar Singh.
Pandit Joti Prasad Upadhyaya.
Chaudhri Dhurya Singh.
Rai Sahib Kunwar Dhaka Lal.
Thakur Balwant Singh Gahlot.
Rai Bahadur Mr. Brij Lal B. dhar.
Rao Bahadur Gower Sardar Singh.
Babu Ram Bahadur Sakseena.
Bebu Kamta Nath Sakseena.
Kunwar Jagbhan Singh.

Mr. Brijnandan Lal.
Rao Narsingh Rao.
Chaudhri Ram Adhin.
Mr. Bhondu Ram.
Chandhri Bharos.
Pandit Shri Sadayatan Pandey.
Rai Sahib Rajeshwari Prasad.
Rai Bahadur Thakur Shiva Pati Singh.
Thakur Girraj Singh.
Pandit Prem Ballabh Belwal.
Thakur Jang Bahadur Singh Bisht.
Pandit Brahma Dutta alias Bhaiya Sahib.
Raja Burendra Bikram Singh.
Rai Bahadur Kunwar Surendra Pratap Sahi.
Mr. C. Y. Chintamani.
Rai Rajeshwar Bali.
Mr. Zahur Ahmad.
Syed Ali Zaheer.
Khan Bahadur Mr. Muhammad Abdul Hari.
Syed Zulus Ali.
Khan Bahadur Muhammad Maqsood Ali Khan.
Shah Nazer Hussain.
Captain Nawab Muhammad Jamsheed Ali Khan.
Hauz Muhammad Ibrahim.
Mr. Muhammad Rahmat Khan.
Khan Bahadur Haji Muhammad Obaidur Rahman Khan.
Khan Bahadur Muhammad Hadiyah Khan.
Khan Bahadur Hazz Hidayat Hussain.
Khan Bahadur Manvi Saiyid Habibullah.
Khan Bahadur Shaikh Goulan Hussain.
Khan Bahadur Saiyid Jafar Hosain.
Shaikh Afzal-ud-din Hyder.
Khan Bahadur Manvi Muhammad Fazlur Rahman Khan.
Khan Bahadur Sirdar Muhammad Shakir-dad Khan.
Khan Sahib Muhammad Imtiaz Ahmad.
Shaikh Muhammad Habibullah.
Chaudhri Muhammad Ali.
Rai Bahadur Kunwar Bisheshwar Dayal Seth.
Raja Jagannath Baksh Singh.
Rai Bahadur Babu Vikramajit Singh.

Babu Gajadhar Prasad.

RÉSOLUTION re SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS

Mr. Brijnandan Lal : *I beg to move that this Council recommends to the Government to communicate its desire to the authorities concerned that judicial and executive functions should be immediately separated.

I must confess, Sir, that I was in a difficulty as to how the resolution should be worded. It asks the Government to make a request to the Government of India to take steps to separate the two functions. But when this question was raised in the Central Legislature the Government of India said that the matter rested with the local Government. I am moving the question in this Council and probably the Government will say that they wrote to the Government of India and they are sitting tight over it. I must confess that I am not a very good badminton player to handle this shuttlecock properly. The Congress has been agitating against the combination since 1886 on account of the baneful effect of this combination on the administration of justice. The worst instances of the abuse of power occur when the officer concerned proceeds from a misguided zeal to punish some supposed guilty person. He proceeds on the assumption that the end in view is laudable and he should not be too scrutiuizing in the methods adopted to achieve that end. He believes that the person he is prosecuting is guilty and if he is zealous and earnest he resents that a person whom he considers guilty should be let off. Under the mischievous system under which he works he finds it his duty practically to pre-judge the accused on the information which is given to him by his low paid and sometimes interested subordinates and he will be superhuman if he can brush aside the cumulative effects of the information in forming his judgment as to his guilt or innocence. So instead of prosecuting the man he ends in sometimes persecuting him. It is the system against which I have a grievance. I have no grievance against any person. If I were in the place of the officer concerned I would do the same. I would cite a few cases of abuse of power from other provinces as well as our own. For example in Bengal there was a case in which the accused was a district magistrate. The facts were that one zamindar while walking from his house to the house of a doctor had to cross a bridge and just when he was on the bridge he was suddenly accosted and struck by a person who happened to be the district magistrate. On being struck he ran away. The said district magistrate chased him and dealt another blow on the left side of the neck. The zamindar filed a petition of complaint under sections 352 and 323, Indian Penal Code, in the court of the joint magistrate. The Joint Magistrate, after examining the complainant recorded the following order in the order-sheet :

* Complainant to prove his case on the 6th March."

On the very same day, namely, the 22nd of February, 1905, the said district magistrate, who was himself the accused in the above

* Originally tabled by Mr. Perma.

case, recorded the following order in the order sheet of the above case:

"I consider that it is entirely unreasonable of the complainant to complain of an assault which he provoked and I plead that under section 95 no offence has been committed. The joint magistrate will make such inquiry as he thinks fit and can, if he desires, summon my servant Golam Hyder, who was present and if he thinks that the case should come to trial, will send it to the nearest magistrate having jurisdiction, if in doubt, consult Government Pleader as to jurisdiction."

"The High Court was thereafter moved by the complainant for a transfer of the above case from the file of the joint magistrate of Hughly to the file of any magistrate in the district of the 24 Parganas and the Hon'ble High Court was pleased to issue a Rule. After the said Rule was issued the district magistrate compromised the case with the complainant."

I will cite only one more case from Bengal. "An application was made by a counsel to the High Court for the transfer of a case from the court of the deputy magistrate in which a zamindar was one of the accused. One of the grounds for the transfer was that the magistrate of the district had written to the deputy magistrate a letter to the effect that the accused ought to be sentenced to the maximum term of imprisonment provided for in the section under which he was charged. A certified copy of the letter was annexed to the petition to the High Court." Some time ago in our own province a Bhisti, a water-carrier, happened to take away a few leaves for his goat from a tree which was in the compound of a district magistrate. He was prosecuted for theft and the case was sent to the most obedient deputy magistrate who afterwards officiated as a district magistrate. That gentleman fined the Bhisti Rs.50. A revision was filed and the man was let off by the judge. Recently the High Court have let off a case in appeal. In that case the complaint was that one Shukla, I think his name was Shukla, was leading a mob and a riot was committed in which two persons were murdered. When the case went in appeal to the High Court they found that Shukla was 75 years old and could not move about, not to speak of leading a mob and killing two persons. The result was that the case was acquitted and all the accused had to be let off.

Seeing this state of affairs the people agitated against the combination of judicial and executive functions with the result that Lord Dufferin declared it to be a counsel of perfection and two successive Secretaries of State, namely, Lord Kimberley and Lord Cross, expressed themselves to be in favour of the reforms. The wisdom of the proposal has been recognized in the abstract, but has not been recognized in the practical work of the administration. It is hardly necessary for me to say much on the desirability of the proposal because the local Government set up a committee called the Stuart Committee in 1921 to formulate a scheme for the separation of the two functions. I am not asking for a new thing. The two functions were separate at one time in these provinces. The report of the committee says: "The greater number of the districts in the province have been administered from the beginning as regulation districts. In these districts there was at first a complete separation of functions, the Collector of Revenue being an executive officer and the Civil Judge being the

[Mr. Brijnandan Lal]

magistrate, but shortly after the beginning of the nineteenth century it was considered that in the interest of efficiency and economy the two offices should be united." The offices were united in 1829, separated again in 1845 and re-united in 1854. The remainder of the province consisted of non-regulation tracts. The most important of these is Oudh which was the last to come under British rule. In addition there were the non-regulation tracts of Bundelkhand and Kumaun. In these tracts the administration of justice in civil, revenue and criminal cases was combined from the beginning in the hands of officers who exercised executive powers. Executive officers have now ceased to exercise jurisdiction in civil cases except in the hill tracts and a portion of the Mirzapur district. There is a separate service of judges. The more junior of these exercise civil jurisdiction only. Judges of a higher grade deal as sessions courts with criminal cases as well as with civil work, but neither district and sessions judges nor judges of a lower grade discharge any executive functions except such as are connected with their judicial work. The trial of smaller criminal cases is in the hands of magistrates. These magistrates, in addition to exercising powers in criminal cases, decide all suits and applications under the Revenue and Rent Acts and perform a variety of executive functions. The head of the district hears appeals from subordinate magistrates in criminal cases. He is head of the police and is responsible for all prosecutions. Under British rule there was formerly more concentration than at present. There was a period when the district magistrate controlled not only the police and revenue, but also the Engineering, the Forest, the Education, the Sanitation departments and even the post office. In more recent years he has ceased to exercise many of these functions and the tendency has been towards further devolution. The time has arrived when, in the opinion of the Governor-in-Council, there should be a more complete separation."

But this is all in theory. Nothing has been done in practice. The two objections urged against separation are (1) expense and (2) that if the magistrates are deprived of their judicial functions they will lose their prestige and influence over the people. As regards expense, I will quote the words of Sir Harvey Adamson. He said, "Even if the experiment is costly the object is worthy." Besides the scheme which was put forward by the late Mr. R. C. Dutt and others was such that there should be no additional cost. As regards the second objection, I will again quote the words of Sir Harvey Adamson :

"If the accused fears that the police have a spite against him or that the district magistrate as guardian of the peace of the district has an interest adverse to him he is immediately imbued by his surroundings with the idea that he cannot expect perfect and impartial justice from the magistrate. It thus follows that in such a province the combination of functions must inspire a distrust of the magistracy in all who have business with the courts. Can it be said that under such circumstances the combination tends to enhancement of the prestige and authority of the Executive?"

With these words I commend the resolution to the acceptance of the House.

Khan Bahadur Hafiz Hidayat Husain : I beg to move that at the end of the resolution for "full-stop" a "comma" be substituted and that the following words be added: "and further to convey its sense of disappointment at the manner in which the subject has so far been treated by them." The resolution as amended will then read:

"That this Council recommends to the Government to communicate its desire to the authorities concerned that judicial and executive functions should be immediately separated, and further to convey its sense of disappointment at the manner in which the subject has so far been treated by them."

I do not think that this subject needs very elaborate discussion because, as far as I remember, since 1918 the subject has been actively before this Council and very many resolutions have been moved and passed on the subject. Indeed all that this Government could do and can now do is to forward the proceedings of the Council to the Government of India. This was done each time the matter came up before the House and will be done again this time. It is time therefore that the Government of India and the British Government realized and appreciated the disappointment of this Council at the manner in which this question has so far been dealt with by them.

The pros and cons of this resolution have been treated very fully on previous occasions. I remember on the last occasion the then member for Bulandshahr, Pandit Nanak Chand, moved a similar resolution, the discussion on which dragged on for nearly two days. The President, Mr (now Sir) Michael Keane, was heard to say that he hoped that that would be the last time when the resolution was brought before the Council, but unfortunately nothing has been done and things have come to such a pass that it has been found necessary today for this Council to discuss this resolution over again. In this connexion I wish to refer particularly to certain interpellations on the subject put in the House of Commons in the year 1931. Unfortunately I have not been able to lay my hands on the Hansard volume for that year, but I remember that my Lord Winterton, who is now sitting on the Joint Parliamentary Committee and was then responsible for Indian affairs to the House of Commons, said that they had been in correspondence with the Government of India on the subject, and when he was further asked to state whether he did not think that it was a case of inordinate delay, he said, "But you cannot hustle the East" and there the thing rests. Well whether the East could be hustled or the West could not be hustled, the matter remains where it was. I therefore wish that when the proceedings of the Council on this resolution are forwarded to the Government of India on this occasion, opportunity may be taken to point out that the statement made by Lord Winterton in 1931 does not command the confidence, at any rate, of this House, and that this Council feels that in the treatment of this subject it has been treated with scant courtesy. With these few words, Sir, I support the resolution as amended by me and hope that it will be accepted by the Council.

Rai Sahib Rajeshwari Prasad : The resolution now before the House does not need any elaborate treatment. There are numerous examples of the flagrant abuse of judicial powers by the executive authorities. In my own district, for example, since January, 1932,

[Bai Sahib Rajeshwari Prasad]

in the course of less than ten months fines have been imposed on political prisoners to the total sum of over Rs.70,000. In all these cases the amount of fine is over Rs.100 per head and I do not know what the total amount of fines would be in respect of prisoners who have been fined less than Rs.100 each. Now, Sir, these fines were imposed on ordinary tenants, whose condition at the present time is too well known. The way in which these fines were realized is a matter of common knowledge to all those who come from Gorakhpur. I know of cases in which tenants who have not even a decent house to live in have been fined over a Rs.100. Their huts have been sold for less than Rs.20 and they are now living under trees by the side of their old huts. Sir, I put certain questions in this connexion probably in the month of June, and I wanted to know from the then Hon'ble the Home Member as to whether the ability of the person to pay the fine is at all taken into consideration. The answer was that this was a matter for the courts to decide. It is against this kind of action by executive authority in judicial matters that we are complaining at present. Sir, the mover has dealt with the case in an elaborate manner and I need only add my support to the resolution that has been moved before the House.

The Hon'ble the Home Member : Sir, I need not say much about the history of the question that executive and judicial functions should be separated. Government are already committed to the principle that these functions should be separated. As far back as the year 1921 a resolution was moved by Babu Chhail Behari Kapoor recommending to the Government to take steps to see that executive and judicial functions were separated and a committee was appointed under the presidentship of the late Sir Louis Stuart. The recommendations of the committee were forwarded to the Government of India with the opinion of the local Government in 1923, and subsequently the position taken up by the Government of India was announced by them in answer to a question in the Council of State. The same answer was repeated in reply to a Council question here, and I should just like to read out that answer. This answer was given on the 31st January, 1929 : "In answer to a question in the Council of State the Government of India stated that a decision in the matter had to be postponed in view of the inquiry by a Statutory Commission and possible changes of conditions which might result therefrom." So far as this Government are concerned, they have forwarded the report and they have forwarded their views. The final decision in the matter rests with higher authorities. I am only making a surmise that, in view of the impending changes in the constitution, it is possible that the final decision of this question may be postponed till the new constitution comes into being. Perhaps then the simplest procedure would be for the Government of India to pass enabling legislation so that the provincial legislatures could deal with the question themselves. When the question does come for decision in this Council, it will largely be a matter of finance. The figures of extra cost were given in the report of Sir Louis Stuart's Committee. It is not possible at present to say what the cost will be, but this is not a matter that need be taken up at this moment. When the time comes

the Council will have full opportunity of devising ways and means for any changes in the system of administering justice that they may desire.

Mr. C. Y. Chintamani : Sir, I have not one word of criticism to utter of the statement of facts made in the speech of the Hon'ble the Home Member just now. His statement that the decision rests with higher authority is quite correct, and it is for this reason that the mover of the resolution has made no more request to that local Government than to convey the opinion of this House to the higher authority. I assume that the full text of the proceedings will be communicated by the local Government to the Government of India, and it is for this reason that I take the liberty of detaining the Council for a few minutes, not because I have any particular grievance against the local Government or any objection to utter against the statement made by the Hon'ble the Home Member.

The long history of this question has been briefly recited by my honourable friend the mover. I do not know whether the public generally are aware that there was separation of judicial from executive functions before the Mutiny. One of the after effects of the Mutiny was the amalgamation of these two functions. Ever since the Indian National Congress came into being 48 years ago, this question has been agitated and it made so much impression upon the then Viceroy that he described the proposal ironically as a counsel of perfection. But speaking in serious language two Secretaries of State, one a Conservative and another a Liberal, admitted the soundness of the proposal made by the Congress. Some years later a number of eminent judicial officers retired from service, headed by the Rt. Hon'ble Lord Hobhouse, a former Law Member and including Chief Justices and Judges like Sir Richard Couch, Sir Richard Garth, Sir John Scott, Sir William Markby, a former Chief Secretary of Bengal, and Mr. Herbert Reynolds, urged the necessity of this reform. This was done 33 years ago and we are still where we were. A year or two later, when the late Lord Curzon did not include this among the 12 problems that engaged his attention and he was criticized on that account, he said in the Imperial Legislative Council that the file on the subject was a foot or two high and that a man who was working 14 hours a day could not be blamed if he had not the time to grapple with the problem. In 1908, Sir Harvey Adamson, Home Member in the Government of India, made a statement to which reference has been made by the honourable mover. An experiment he promised to make. There was a rumour that it was tried in one or two districts in Bengal and that the Government had satisfied themselves that it was not a success. I am not aware of the correctness of this. In 1914 a resolution was moved in the Indian Legislative Council by the late Sir Surendranath Banerjea, and Mr. (now Sir Henry) Wheeler replying on behalf of the Government of India promised to consider the question. Mr. Montagu, when he came out to India for his constitutional inquiry, was so impressed by the disreputable history that lay behind this question that he seriously thought of including this measure in his scheme of reform. He only did not do so partly because of the doubt if it could be regarded as a matter of constitutional reform but more largely because he was assured that his whole scheme of reform would

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be imperilled on account of the bureaucratic opposition to this particular reform. I think those who so advised him were not far wrong because our former Lieut.-Governor, Sir James Meston when he was a member of the Viceroy's Executive Council was reported to have burst out that sooner should the British consent to leave India than to agree to the separation of judicial from executive functions. Sir James Meston carried with him a very easily earned reputation for liberalism. Here is an index of that liberalism. What the bureaucracy think of the principle that underlies this reform and the consequences in actual administration of its effectuation could very well be imagined from this statement of Sir James Meston's.

As the Hon'ble the Home Member pointed out, the local Government committed themselves to this reform in 1921 and proceeded to the appointment of a committee. Before the local Government took this step, a question was raised in the Legislative Assembly and Sir William Vincent, the then Home Member, made an answer that this was a provincial subject—law and justice was a provincial subject—and that the Government of India could not force down the throat of any provincial Government a reform of this magnitude unless they were not prepared to carry it out. The member in charge speaking officially on behalf of the Government of India said in the Legislative Assembly more than 12 years ago that the Government of India undertook to carry necessary legislation through the central legislature if any provincial Government came out with a scheme of reform. Taking the Government of India at their word, this local Government, the Government of Bihar and Orissa, and one or two other local Governments set up committees, formulated schemes, examined them and submitted them to the Government of India for sanction. The Government of India did not sanction any of them. On the other hand, when subsequently questions were put sometimes they took shelter behind the plea that it was entirely a matter for Provincial Governments to decide and at other times, that the time was not ripe. Now they say that they are not going to do anything until the constitutional changes now under examination were effected. I have spoken to show what officials really think of this reform.

I will quote one or two illustrations not from other provinces but from this province, to show the official attitude towards the reform. When the report of the Louis Stuart Committee was sent by the local Government to commissioners and selected district officers for opinion, one commissioner—I will not name him because he is still in service and I want to spare his feelings—wrote to Government that only three classes of people wanted this reform—criminals lawyers and agitators—lawyers and agitators being I suppose only different species of criminals: criminals because they would escape justice; lawyers in order to make money; agitators in order to worry the Government. It did not strike the commissioner that the report was easy, that it was the desire to retain excess of power who seek and to exercise it autocratically without any sense of responsibility, which was at the bottom of the service opposition to an essential reform.

But of course, they all are paragons of disinterestedness. One of the district officers to whom the report was sent for opinion treated it with great seriousness and even solemnity. That district officer is also still in service. So I will not name him either. His letter was so short—whether it was also sweet, it is for the Council to judge—that I can quote it textually. “My dear Lambert (he was then Chief Secretary),—I have the honour to acknowledge,” etc. “When you ask for my opinion on this report in effect you invite me to suggest the best means of putting an end to myself. I decline the invitation with thanks.” So this district officer, not a raw junior—I think he is nearly as senior as the Hon’ble Home Member was before he became a non-official—reveals the true mentality of the typical Indian Civil Service executive officer. He thought that to separate judicial from executive functions was to put an end to him. So district magistrates cannot be happy unless they have some means of exercising excessive powers. Another district magistrate, now no longer in service, was summoned to give evidence before the Islington Commission on the Public Services. He indulged in a long wail that the district magistrate’s position was no longer what it had been. He said “There is an agitation for the separation of executive from judicial functions” There is the Indian press which makes their life uncomfortable. There is a Legislative Council where everybody who becomes a member is allowed to put any sort of question. There is an agitation that district officers should no longer be chairmen of district and municipal boards. How have times changed!

Why do district magistrates retain the ambition of enjoying and exercising all these powers? My honourable friend the mover quoted one or two cases. I would also quote one. There was some years ago a magistrate in one of the Oudh districts. There was before him a criminal case in which an English lady was involved. When the case was going on the counsel for the defence, who happened to be Dr. Tej Bahadur Sapru, produced a letter in support of the application for transfer of the case. What was that letter? It was a letter written by the trying magistrate to the lady that was accused in the case, in which it was said “My dear so and so, do not worry, I will let you off.” This single case suffices to show why there is this illegitimate desire on the part of district officers. Many years later there was a case in Aligarh. It was late in the year 1917. It was a case known as King-Emperor versus Basudeo Sabai Sharma. That case came before Mr. Niblett, who has, I believe, made quite a reputation for himself more recently. When the case was before him Mr. W. E. M. Campbell, the district magistrate—I have named him because he is no longer—wrote a letter to the trying magistrate—it was a case under section 110—saying that the maximum security should be demanded from the accused before the trying magistrate made up his mind as to whether the accused was guilty or innocent. This trying magistrate, then a comparative junior I expect, brought that letter of the district magistrate’s on to the file and criticized his executive chief in his judicial capacity for interfering with his judicial independence, and declined to carry out that order and came to his own conclusion. As this happened, Mr. Niblett was rewarded for his judicial independence promptly by his transfer from Aligarh to

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Gonda. I moved a resolution in the then Legislative Council over this matter, an order was soon after made by that District Magistrate to all his subordinate magistrates in the Aligarh District as to what they should do when the police placed before them any man under section 110. He said that no one should be let off: not only that, but the maximum security permissible should be demanded. Not only that but the sureties demanded should be such that it might be impossible for the accused to produce them. The text of this order found its way into the newspapers. It was quoted in full before the Legislative Council, and Government were asked to issue instructions to District Magistrates not to interfere in the judicial discretion of subordinate magistrates in that objectionable manner. The Government spokesman was Mr. Keane, Judicial Secretary, now His Excellency Sir Michael Keane. He used all his Irish wit in the defence of that District Magistrate and to bring about the defeat of my resolution. The Government did not feel that there was any impropriety in the conduct of the District Magistrate in interfering in this barefaced manner with the administration of justice. On the other hand, they stood by that District Magistrate loyal to the theory that the man on the spot should be worshipped as a latter-day demigod and did not care a bit for the real prestige and the honour in which Government and magistrates should entitle themselves to be held. A few years later. There is an honourable official member on the floor of this House at this very moment—never mind who he may be—he was a city magistrate in one of our big cities at the time when non-cooperation cases were coming in large numbers before him. The poor man—he is known for his incorruptible integrity; on the other hand the criticism against him is that he is somewhat non-human, that he does not care who is who—merely proceeded with judicial fairness to do what he thought to be his duty. In what position did he find himself? Congressmen were loud in their complaints that he was a convicting magistrate. At the same time the District Magistrate and the commissioner formally wrote to the Government that the great difficulty in that district was that so and so the joint magistrate was an officer who unfortunately—the language was theirs. I am not glossing over it—refused to convict without evidence. This was the serious charge formally, officially, in writing brought against an unfortunate magistrate by his superior the District Magistrate and by his super-superior the commissioner—that as a judicial officer he refused to convict without evidence.

These instances which I have mentioned show what the mentality of officials is. As the Hon'ble the Home Member has shown, the local Government took a correct attitude in first committing themselves to this reform. Then I suspect they began to repent for their wisdom. They took mighty long to reach conclusions on the Committee's scheme. Then they changed their mind and modified those conclusions. And at long last they dared to submit recommendations to the Government of India.

Another thing. When the subject came before the Legislative Council in 1921, the then Home Member was absent and a Minister, a

transferred man and therefore an inferior man, was asked officially to take charge of the subject on behalf of the Governor in Council. The Ministers then enjoyed the same opportunities as the Members of the Executive Council in dealing with this subject until a certain stage. That stage was passed. Then it was discovered that the conclusion to which the Government came was not quite agreeable to the official section of it. The Louis Stuart Committee did not want that the security sections should be dealt with at all in this scheme of reform and they thought that cases under those sections 107, 108 and 110 should continue to be disposed of by executive magistrates and not by judicial officers unconnected with the executive. That recommendation was not unanimous. The honourable member for the United Provinces Chamber of Commerce and one or two other non-officials strongly dissented from that recommendation. There was a similar division of opinion inside the Government but the majority were with the dissenting members of the committee. Afterwards, when a new Governor came, he ruled that these inferior men, the Ministers, had nothing whatever to do with the subject and then, though they had participated in all the proceedings of Government in respect of that matter until that stage, they were shown the door. The Members of the Executive Council sat in secret conclave; they went back upon the previous recommendations of the Government and made their own subsequent recommendations. I have often cited this as an instance of how beautifully, with what scientific perfection the system, semi-unitary, semi-dyarchical, non-unitary, non-dyarchical, has been worked by Governors who are endowed with large powers. The whole history of this subject reminds one of the two lines of a poet—the attitude of the Government, I do not say the local Government but the Government collectively and in particular, the Government of India and the Secretary of State above them—

To promise, to propose, to postpone, to pause,

And end by letting things alone.

The subject was a live issue when we were still living under the Indian Councils Act of 1861. It was vigorously agitated when we came to the stage of the Councils Act of 1892. Some advance was sought to be made when we reached the Councils Act of 1909. Its solution was not taken in hand when the Government of India Act of 1919 was before the House of Commons. Since then various hopes have been raised. We have been told with delightful simplicity by the Government of India and by Sir Samuel Hoare that until the new Constitution Act of 1934 or whatever subsequent year it may be, is passed nothing can be done in the matter.

The Hon'ble the Home Member has unfortunately brought in the question of finance. The Louis Stuart Committee scheme, if it is carried out, will cost more than schemes of reforms drawn by some others. There are schemes for other provinces by Mr. Manmohan Ghosh, Mr. R. C. Dutt, Baba Ambica Charan Mazumdar, Sir Pheroze Shah Mehta and others. If a scheme of reform on similar lines be adopted in these provinces the cost will be less than the Louis Stuart Committee's scheme. But whatever the cost might be it could not

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be any hindrance to the Government of India when they can afford to lose crores in selling silver at a certain price and sending it to America. (Mr. S. T. Hollins perhaps shook his head at this stage.) Yes, Mr. Hollins. There is no question of cost; the real reason is the so called prestige combined with selfishness and obstinacy. Edmund Burke's passage is not more appropriate in any case more than in this, that argument is exhausted, reason is fatigued, experience has given judgment, but obstinacy is not conquered.

Rai Bahadur Babu Vikramajit Singh: Sir, I rise to give my support to the resolution before the House. It is hardly necessary for me after the speech of the Leader of Opposition to make a long speech on this motion which is before the House. If I rise at all at this time it is merely to associate myself with what has been said. The question of the separation of judicial and executive, as has been said, is a very very old and ancient one. At one time a league was formed in these provinces to carry out the scheme of separation of judicial and executive. The late Maharaja Sahib of Mahmudabad was the president of that league. A general meeting was held in Allahabad and numerous speeches were made by prominent public men. Sir Wazir Hasan, who was at that time not the Chief Judge of the Chief Court and Sir Tej Bahadur Sapru and others took part and there were strong speeches made on the subject in favour of separation. A number of gentlemen of India and England took a prominent part in sending a representation to the House of Commons that the separation of judicial and executive functions ought to be effected. This Government took a strong step in the year 1921 in forming a committee for the separation of judicial and executive functions. I was also a member of that committee of which Sir Louis Stuart was the president. Curiously enough although the majority of that committee framed a scheme for the separation of judicial and executive functions and only the minority recommended that sections 107 and 110 should also be handed over to the judiciary, but up to this time the separation of judicial and executive functions has not been effected. Only criminal law has been amended in so far that appeals under sections 107 and 110 are now handed over to judges instead of district magistrates.

So far as the question of separation of judicial and executive functions goes, on the merits I think people of all shades and opinions recommend and support it and it cannot be said that it is only the lawyers or the agitators who are asking for the separation of judicial and executive functions. It will be found that even landlords and other members of this House are in favour of this separation. In fact I do not think there is any member in this House who is not in favour of separation of judicial and executive functions. It appears to me absurd that the same person should be the prosecutor and the judge and I remember a couplet which was read some years ago in this connexion and I might be permitted to repeat it here.

"Wahi qatil wahi mukhbir wahi hakim nikla,

Uqraba mere karen khun ka dawa kispar."

The same person is the murderer, informer and the judge; against whom can my neighbours bring a charge of murder.

If the prosecutor and the judge are the same, it becomes very difficult indeed for the accused to get justice. Even among the I. C. S. officers I do not think that all of them will be found in support of the present system. There may be a few magistrates and executive officers who may be found in support of it and it is only natural for them, because it is very difficult for anybody to part with power and it is merely the question of parting with power. Therefore it is natural for these magistrates not to support the separation of judicial and executive functions and they do not look at the matter from a broader point of view, though they know the defects of this system. The Hon'ble the Home Member mentioned in his speech that it was stated in the year 1929 that inasmuch as the inquiry by the Statutory Commission was going on, this question could not be taken up. My submission is that whatever may be the next reforms with regard to the transference of further power, they cannot affect this question at all. The constitution which would be given would certainly be more liberal than the present constitution; whether it is full provincial autonomy, whether it is provincial autonomy with some responsibility in the centre, there is no doubt that it will be an advance on the present constitution. It will consequently be seen that whatever the new constitution may be the question of separation of judicial and executive functions will not be affected thereby. It cannot be said that the more advanced constitution will be illiberal or more illiberal than the present one. Consequently any delay in giving effect to the separation of judicial and executive functions on this ground will not be justified. My submission, therefore, is that this Government may be pleased to represent the matter strongly to the higher authorities so that the separation of judicial and executive functions may be effected as soon as possible.

Mr Brijnandan Lal : I have nothing more to say than to thank the Hon'ble the Home Member for his sympathetic speech and to ask him to forward the proceedings of this Council to the Government of India. Thirdly, I must betray the secret that the naughty Minister who committed the Government in 1921 was my venerable leader.

The Hon'ble the Home Member : I think a general desire has been expressed by the honourable members that the proceedings of this debate should be forwarded to the Government of India. I, on behalf of Government, give an assurance to the House that the proceedings would be forwarded to the Government of India.

The Hon'ble the President : The question is that this Council recommends to the Government to communicate its desire to the authorities concerned that judicial and executive functions should be immediately separated. This was the motion moved. To this an amendment was moved that the following words be added at the end : "and further to convey its sense of disappointment at the manner in which the subject has so far been treated by them."

The question is that this amendment be made.

The question was put and agreed to.

The Hon'ble the President : The question is that the resolution as amended be adopted.

The question was put and agreed to.

RESOLUTION *re* MEDICINAL PLANTS IN USE IN RURAL AREAS

Mr C. Y. Chintamani : *I beg to move, Sir, that this Council recommends to the Government that they may be pleased to have all the medicinal plants in use in rural areas in these provinces chemically tested with a view to find out their medical properties, so that they might be utilized properly.

I think this resolution speaks for itself. It hardly needs any words to commend to the honourable House. A similar resolution was brought before the Council some years ago, and the official reply given by the then Inspector General of Civil Hospitals was that the Institute of Tropical Medicine in Calcutta was already engaged in such investigation and that it was better equipped for the purpose than any provincial institution could be. Therefore, he said, duplication of expenditure and labour should be avoided. I have no doubt the Institute of Tropical Medicine in Calcutta has been engaged on highly commendable work and I wish it more strength and more success. At the same time it seems to me that there should be separate institutions for research in each province according to its requirements, and I am sure in the United Provinces there are a number of drugs whose properties ought to be scientifically investigated. The problem is so vexed that there can be any amount of investigation and research on the same plant and same subject. There is ample work to be done provincially in addition to the work that is being done for the whole country.

There is another circumstance which points in the same direction. Since the official reply to which I have referred was made by Colonel Mactaggart in the old Council, medical organization in the United Provinces has considerably expanded. There are now at Lucknow institutions which can very well be charged with these duties in addition to those which they have already undertaken to carry out and are carrying on with laudable efficiency. The Swadeshi sentiment has also developed since the question was previously before the House, and there have been resolutions passed by medical associations themselves to utilize indigenous material to the largest possible extent in preference to western, thereby adding to the wealth of India. This very commendable decision of theirs will be helped and promoted by scientific work undertaken by Government in this behalf. I trust the question of expenditure will not be raised because additional expenditure that would have to be incurred would be inconsiderable compared with the expenditure that is incurred on various other objects of smaller utility by comparison with the vast usefulness of the proposed investigation. I do not intend to detain the Council with more words in support of this resolution, and I hope the Hon'ble the Minister instead of contenting himself with the utterance of platitudes will come forward and cordially accept this appeal made to Government.

Shaikh Muhammad Habibullah : I want to make an amendment. That this Council recommends to Government that they may be

* Resolution originally tabled by Rao Narsingh Rao.

pleased to have the medical plants used in rural areas in these provinces pharmacologically worked out (not chemically tested)."

The Hon'ble the President: I do not understand what the honourable member is saying. What is his object, what does he want?

Shaikh Muhammad Habibullah: I want to move an amendment.

The Hon'ble the President: What is the amendment?

Shaikh Muhammad Habibullah: To drop the word "all" first and then instead of "chemically tested" to put "pharmacologically worked out."

The Hon'ble the President: The honourable member wishes to move an amendment to drop the word "all" and to substitute for "chemically tested" the words "pharmacologically worked out." Is there any objection to its being moved. (*After a pause.*) There is no objection—the amendment may be moved.

Mr. Brijnandan Lal: Sir, we do not understand the expression.

The Hon'ble the President: That is another matter. That is a matter for argument.

Shaikh Muhammad Habibullah: In the first place I recommend that the word "all" be dropped because it is very difficult really to lay one's hand upon each and everything that is being used in rural areas for medicinal purposes. Our resolution should be such as to be practical and I think now we are doing research work in indigenous medicine. But to say we should use all the plants in use. If we do this we shall make our resolution impracticable. Therefore I wish to drop the word "all." Now as for "chemically tested" we cannot by means of a chemical test know the real properties of the plants. The real properties can only be known if they are worked out pharmacologically. It is a very simple thing. I think either a doctor or chemist could deal with this subject, but the matter is so simple that I think it does not require any further elucidation or explanation. In making this amendment I am not in any way introducing anything which will be against the intention of the mover of the resolution. If anything I want to improve it. Chemically tested is not enough—it should be worked out pharmacologically.

Khan Bahadur Syed Jafer Hosain: I whole-heartedly support the resolution moved by the Leader of the Opposition. There cannot be the slightest doubt that if Government takes up this question in right earnest it will, in my opinion, be to the improvement of the health of the population of these provinces and for the matter of that of the whole of India. We find that some of the plants grown in this country have wonderful properties of curing diseases. It only needs funds in order to test them whether chemically or in a laboratory, we do not mind which in order to explore their beneficial activities. But we consider that if Government takes up this subject and tests medicinal plants, in that case I have not the slightest hesitation in saying that in a very short time we will be fully equipped to face the different diseases in our country. Then again the question of costs of various indigenous medicines is of vital importance to the poor people of these provinces. At present they are much cheaper than allopathic medicines and they are sure to become cheaper still if grown

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on a large scale and for that purpose, Sir, a start should be made at once. I may mention in this connexion that we have already got a Unani Tibbi College located at Delhi which is going in for research of this kind and there is the Board of Indian Medicine but the funds at its disposal are very limited and it is up to the Government to come forward either to help that college or else to begin independently with a view to test the quality of the indigenous plants to advertise their usefulness among the masses of people. It is no use going in for elaborate laboratory tests which may take decades. The idea is to popularize them among the masses. With these few words I support the resolution.

Pandit Shree Sadayatan Pande: Sir, I give my whole-hearted support to this very important resolution which has a very great bearing on the development of the indigenous medicinal plants of this country. The Ayurvedic and Unani systems have suffered immensely without the real support of the Government. Foreign medicines have gained such a strong footing in this country that our indigenous medicines have lost and are losing ground. Although it is a fact that the Government of these provinces have taken some steps to revive them by the establishment of the Board of Indian Medicines yet I can assert with certainty, since I have the honour to be a member of that Board since March last, that very little is being done in that direction by the Government. The grant of Rs.55,000 which used to be given by the Government has been curtailed by Rs.15,000 or Rs. 20,000 this year. It is a matter of great regret that the money which should be more liberally spent on projects of this nature should have been curtailed. It is very necessary indeed that a thorough investigation into all the medicinal plants which are known to the people and are of great use should be made. If the Government is apathetic to a proposal like this the desire of developing the industry will remain an unrealized ambition. So in order to develop and revive our old systems of Ayurvedic and Unani medicines in our country it is necessary that the Government should give very serious attention to this matter.

The Hon'ble the Minister for Education: Sir, I rise early in order to tell the Council that in this matter as in several matters which were discussed yesterday we anticipated the wishes of the House and we have already been doing what the House has now come forward to demand.

Pandit Shree Sadayatan Pande: Nominally.

The Hon'ble the Minister for Education: I will explain that, Sir.

The resolution as it is worded is not very clear. If I may be permitted to say so. The question of the examination of medicinal plants resolves itself into several parts. The first and foremost of these is the question of cultivation. It is not much use examining a plant chemically unless we know how it has been cultivated, where it has been cultivated and at what time of its growth its active constituents have been taken. You can have the same plant giving exceedingly varying results; so that, Sir, the first and foremost thing

is the control of cultivation, experiments are necessary to find out as to how best a medicinal plant may be cultivated. The active constituents of a plant vary within very wide limits. This Government took up this matter in 1929 and 1930, and in 1930 a committee was appointed to make recommendations for securing the cultivation on a commercial scale of medicinal drug plants in appropriate localities. I claim no credit for this; I give cent per cent. credit for that to my friend over there. This committee submitted in 1931 an exhaustive report covering a very wide field.

Raj Rajeshwar Bali: May I inquire whether a copy of the report was laid on the table or sent to members?

The Hon'ble the Minister for Education: I want notice of that question, Sir.

Government went very thoroughly into that report and they came to the conclusion that on account of the financial stringency they could not give full effect to the recommendations; none the less, in spite of the times being bad Government directed that research work might be undertaken at the farms at Cawnpore and in the Kumaun hills, and instructions were issued accordingly. Later on we thought that we could apply to the Imperial Council of Agricultural Research for a grant. The Director of Agriculture put up a very exhaustive scheme for the investigation of indigenous plants. This scheme was considered by the United Provinces Agricultural Research Committee in May, 1932 and an application was made to the Imperial Council of Agricultural Research for a grant of over a lakh spread over five years. The Imperial Council of Agricultural Research in February, 1933, decided to refer the scheme for consideration to a special committee of the Advisory Board to see what additions or alterations were required. This scheme is devoted primarily to the botanical and agricultural aspects of the problem of extending our general knowledge of the drug plants of the province and their wider cultivation under field conditions. Another scheme of an all-India character, which has already been sanctioned by the Imperial Council of Agricultural Research, aims at the investigation of the chemical characteristics and pathological properties of the various Indian drug plants. It is to receive the attention of a special staff centred at Calcutta where plants will be sent for investigation. It will thus be seen that what the honourable member desires is being done to a great extent both by us and by the Imperial Council of Agricultural Research on an all-India basis. I would also here refer to the work which is being done at the Allahabad University on Indian medicinal plants. I would like to point out to the Council that once the properly cultivated plants have been obtained, the next step is to chemically analyse them and to separate in a state of purity the active constituents.

Khan Bahadur Saiyid Jafer Hosain: They are still available in large quantities.

The Hon'ble the Minister for Education: I have explained that it is no use picking up a plant in a haphazard way. The active constituents of a standing plant vary from day to day; they vary with the soil and with the climate. The analysis of such plants and the isolation of the active principles are some of the most difficult and highly technical operations of organic chemistry. I myself have worked on

[The Hon'ble the Minister for Education]

these, so I know. These can only be carried on in a satisfactory manner in a laboratory specially equipped for that purpose, containing semi-large scale apparatus and a sufficient number of solvents and other chemicals to work with. The isolation of the active principle in a perfectly pure crystallized state and in sufficient quantity for further examination often takes months of hard labour and expenditure of large quantities of material. After that the study of some of the interesting chemical, physical and physiological properties and attempts to elucidate the constitution of the substance with a view to test subsequent synthesis may take years of hard labour. However, in spite of these difficulties the results achieved by the Allahabad University have been exceedingly gratifying. The physiological investigation of the isolated active properties, which is the next step, for which there is no facility in the Allahabad University, is now being carried on in the Medical College at Lucknow, in collaboration with the Principal and Head of department for Mycology. When these examinations are completed and the results published, they will open up a new chapter in the chemistry of Indian medicinal plants and Indian materia medica. I would advise the honourable members of this House to look up the records of researches carried out in the Allahabad University, and I am sure they will see that a great deal of work has been done by the research scholars there. As I have already explained, the two schemes which are under consideration by the Imperial Council of Agricultural Research would cover the entire field—agricultural, chemical and physiological. As soon as these schemes go through, we would be undertaking a great deal more than what we are doing at present. As regards the chemical and physiological examination the Imperial Council of Agricultural Research have come to the conclusion that it is no use having research places in all the different provinces and they have centralized all that work in Calcutta where, as I have already explained, there are special facilities. They have got the requisite plant; they have got the necessary staff; and it is obviously no use the work in one province overlapping with the work in another province. It would in fact be a great advantage to know the comparative results obtained with the same plant grown in different localities. I think, Sir, I have made all the points clear, and I hope I have not talked any platitudes about which Mr. Chintamani was so apprehensive.

The Hon'ble the President: What exactly is the attitude of the Hon'ble the Minister to the resolution?

The Hon'ble the Minister for Education: Sir, my attitude is one of neutrality. We are already doing what the resolution desires. As I have already explained : . . .

Khan Bahadur Haji Muhammad Obaid-ur-Rahman Khan: Will you accept it or oppose it?

The Hon'ble the Minister for Education: We are not opposing it, nor are we accepting it.

Raja Jagannath Bakhsh Singh: Sir, the question that I wanted to put to the Hon'ble the Minister has already been put by the

Chair, and I find that he takes an attitude of neutrality regarding this resolution. For a layman it is difficult to understand the meaning attached by the Government to the word "neutrality." The Hon'ble the Minister has made out, so far as I have been able to follow his speech, that he considers the resolution a proper one, that the object underlying the resolution is already under the consideration of the Government and that they are already taking action over it. If I read his meaning correctly, I think the right reply to the question would have been that he would gladly accept the resolution. On the other hand if he thought that he was of a different opinion he could easily say that the Government opposed the resolution. This is not the first time that the Government has taken up this attitude of neutrality. This really puts the members of this House in a difficulty to understand the attitude of the Government. To come to the point the object advocated is so important, is so urgently required, that there can hardly be two opinions on the subject. The Government of these provinces have always joined the advocates of this House when they demanded that the system of Unani and Ayurvedic medicines should be developed and supported at all costs. Now the obvious question is that unless the Unani and Ayurvedic medicines are also developed what is the use of wasting money over the Unani and Ayurvedic systems. My friend the previous speaker has made out a case and there is force in his argument that if the plants are not properly developed there is hardly any chance of obtaining good results from them. So if we are financing the development of our Unani and Ayurvedic system, but the medicinal plants are not developed and there are no medicines to administer the result will obviously be a failure. From this point of view I think that the object underlying this resolution is also very urgent and immediate. The Government has given a reply that they are taking action in this matter. It is very difficult to know if they have any estimate of the time for obtaining results in this matter. I do not think that they themselves have got any idea of it. It is regrettable that when members of this House are speaking on resolutions, Hon'ble Ministers are busy conferring amongst themselves and so very likely they may lose sight of the points raised in the debate.

The Hon'ble the Minister for Education : We were listening, Sir.

Raja Jagannath Bakhsh Singh : So very kind of him to say so. Now, I was saying that the object is very immediate and the Government seem to be losing sight of the urgency of the case. Undoubtedly some work is being done in the Universities. I know of some work being done in the Hindu University of Benares also. Evidently the Universities are also interested in this line, but all these things are being done in a casual way. No concerted, no collective, no organized action is being taken in the development of indigenous medicinal plants. The chief object of the honourable mover, so far as I know, is that the Government should take concerted action or organized action and with a definite time limit for obtaining the result. So far as I am able to judge the reply of the Government is not what it should be. I may once more lay stress on the importance of this matter and I hope that the Hon'ble Minister will not lose sight of the fact that the development of the indigenous medicinal plants is very very important.

[Raja Jagannath Bakhsh Singh]

With these few words I would strongly support the resolution that is before the House.

***Rai Rajeshwar Bali :** Sir, I must congratulate the Hon'ble Minister for his tactics, with the object of discrediting the attempts of non-official members to bring important questions to the notice of Government and for claiming all credit to themselves.

The Hon'ble the Minister for Education : I gave the credit to you.

***Rai Rajeshwar Bali :** Yes that was only another way of taking the credit for themselves, because he knew definitely that that committee was not set up by me. That committee was set up long after I had resigned office and therefore he intended to take credit in an indirect manner. However, we have to discuss the merits of the resolution. I must confess that I am not satisfied with the reply of the Hon'ble Minister. I must also confess that owing to my having no knowledge of Chemistry, which he possesses in such a large measure, I cannot discuss with him the technical points which he brought to the notice of the House. But to me it appears that we have to discuss this question from two points of view. Firstly, what has been the practical result, and secondly what was the part of the Government in the achievement of those results. The Hon'ble Minister has said that this question consists of several stages. The question of chemical examination, the question of chronological examination, pharmacological examination, and then the question of mass production. To me it appears that the chemical examination should precede the question of mass production. If the Government have taken up the question of mass production through the Imperial Council of Agricultural Research, I think they have proceeded in a roundabout way. We have first to see which of the medicinal plants possess what medicinal properties, and unless we are sure of that and unless we know which of them will be more useful than the others, it is no use tackling the question of mass production first. I do not wish to minimize the value of the question of production, but to me it appears that the first stage is that of chemical examination, and to know which of the medicinal plants will be found to be more useful than others. It appears that in these provinces this work has been mainly done by the Allahabad University. If that is so, then the Government cannot claim any credit for that. For, what help have they given to the Allahabad University, what encouragement have they given to that University to proceed with this work more energetically?

The Hon'ble the Minister for Education : Every encouragement.

***Rai Rajeshwar Bali :** I wish to know how much additional grant they have given to the Allahabad University in order to encourage them to proceed with this work more energetically. So, to me it appears that the main question firstly is the chemical analysis of these medicinal plants and to know their chemical value. We have to ascertain their medicinal value first and after we know their medicinal value it is only then that the question of their production on a large scale comes in. The two can go on side

* Speech not revised by the honourable member.

by side. This is a very important question. From the speech of the Hon'ble Minister what I conclude is of course, I am no expert in Chemistry, and I could not follow all the big terms which he used--that at first more attention has been paid to the production of medicinal herbs than pharmacological examination and the finding out of their medicinal value. Another important question which we have to consider is what practical results have been achieved. So far as we are aware, we do not know of any practical results which have been achieved as a result of the attempts of Government to tackle this question. I know it takes a little time. I am quite aware of that. But then we wish that the matter may be pushed forward and every attempt should be made in order that practical results may be achieved in as short a time as possible. It has also been suggested by the Hon'ble Minister that this work is being done at the School of Tropical Medicines at Calcutta. I know that this is being done. I have seen some of the reports also. But there too, if I may say so, it is being done in a leisurely fashion, and that is not their main work: they have other work to do. What we wish is that Government should ensure that this work is done as energetically and in as short a time as possible. At least the more important of Indian herbs may receive chemical examination, so that after knowing their value they could be used for medicinal purposes as early as possible.

Khan Bahadur Hafiz Hidayat Husain : I am afraid I may be misunderstood if I did not wholeheartedly support the resolution moved by the honourable member for Partabgarh, the reason being that it was in April, 1924, that I moved a resolution for the encouragement of indigenous medicines in these provinces and the public is indebted to my honourable friend, Rai Rajeshwar Bali then Minister, for having implemented that resolution by appointing a committee and then carrying out the conclusions of that committee. The Ministry of these provinces is thus committed to the promotion of indigenous medicines. But unfortunately what has happened so far is that besides the subvention that is granted to the Muslim University at Aligarh and the Hindu University at Benares, a Yunani School at Lucknow and an Ayurvedic School at Hardwar, no practical encouragement has so far been given to the promotion, of the cultivation of plants, the basis of indigenous medicines. I thought, when I saw this resolution, that the Hon'ble Minister for Education, himself a chemist of great repute, would undoubtedly take up this question in right earnest. It appears to me, however, that the Ministry today is very indifferent and does not care for the promotion of indigenous medicines. It has become very Anglicized. But it is committed to the promotion and growth of indigenous medicines and having given large subventions to the universities and also to schools it is only fit and proper that the complementary stage should be taken up for the purpose of improving the cultivation and growth of indigenous medicines by chemically testing them. Of course for medical relief in these provinces there are some allopathic dispensaries. But the poor people resort more to the vaidas and hakims than to allopathic doctors, because of the cheapness of Indian medicines and their suitability to temperament. I hope, having regard to the temperament of the people here and considering that the medicinal plants, if their cultivation and growth is promoted

[Khan Bahadur Hafiz Hidayat Husain]

by chemical examination, will conduce very largely to the health of these provinces, my honourable friend the Minister for Education who seems to take a very neutral part in this very important resolution will come over to the side of non-official opinion and accept this resolution wholeheartedly.

Munshi Gajadhar Prasad : I yield to none in my appreciation of the two systems, I mean the Unani and Ayurvedic systems, and I have drawn the attention of the Government to this matter by means of certain questions as also during my last budget speech in this Council. I believe the matter has not been approached in a proper spirit and the Government has not given as much encouragement as it should have done. I wish to make my meaning clear. The University at Allahabad has taken up this question and tested the chemical properties of certain plants, but the Government has not given any suitable financial encouragement to this particular branch. A chemical analysis is not exactly the same thing as the analysis of certain plants from the medicinal point of view. Again the attention of the Council has been drawn to the work which has been done in this direction by the Aligarh as well as the Benares Hindu University, but that section there stands equally in need of encouragement and financial aid just as it does in the Allahabad University. I am not aware if any work in this direction has been done by the Lucknow University.

Now, Sir, there is another aspect of the matter which ought not to be ignored. The resolution asks that all the medicinal plants in use in rural areas should be chemically tested. I hope I am interpreting the words used in this resolution correctly when I say that those plants are meant which are used by certain vaidas and hakims in rural areas when they prescribe either a decoction or dispense some other prescriptions to cure certain diseases prevailing in those areas. There are two things to be considered in this connexion. One is whether the herbs which are usually prescribed by these hakims and vaidas are really the correct ones in the sense whether the medicinal plants and herbs which they give to their patients are really the plants which they think they are. I will just quote a certain instance of a particular medicine which was prescribed by a clever hakim at Benares. I speak with personal knowledge. The prescription was quite correct and was taken to a local *attar*, who himself was supposed to be clever. He gave probably the same thing which was put down in the prescription, but it was not quite fresh. It was very likely in a bad condition, was rotten and rickety and had an offensive smell; and the result was that when the patient took that medicine it produced fatal results. That will be another stage of the resolution when the Government at some stage may have to make it a rule that no medicine should be dispensed by these local *attars* unless these plants or these herbs are supplied by certain recognized farms of Government which may be run in each district or, in view of the present financial condition of Government, they may be run say in half a dozen districts. The work of the chemist and the doctor must go hand in hand. The House will not be satisfied with merely chemical analysis of the matter. The proper thing is to look at the matter from the

medical point of view and see what properties these plants possess to cure patients who may have occasion to try them. It will have to be seen whether a particular district is more suitable for cultivation of a particular plant and whether the soil of a particular district will not fully bring out the properties which these plants ought to possess. Now, Sir, the third point that I would like to stress before this House and that too is rather important, is that in the universities some really suitable and eminent medical practitioners may be appointed to help these chemists, so that the work may go ahead rapidly. Along with the chemical analysis that might be going on in some universities the doctor may put in his own report and observations. If some suitable doctors are appointed at these universities and they submit their reports along with chemical analysis, the Government will be in a position to take up the matter much quicker than if they send it subsequently to doctors either at Lucknow or at any other place. This will expedite matters and ensure better results.

Mr. C. Y. Chintamani : I have very little to say in reply as Rai Rajeshwar Bali and several other speakers have already replied to the remarks made by the Hon'ble the Minister. I have only to say that I do not understand why it is not possible for Government to accept the resolution. I am afraid the Hon'ble the Minister has given too little attention to logic. In any case I am sure the Council will carry the resolution and I do not wish to take the time of the Council any more.

The Hon'ble the Minister for Education : Sir, like the honourable mover of the resolution I am going to say only a very few words. I only wish to remove the misapprehension which seems to exist in the mind of my honourable friend Rai Rajeshwar Bali. I entirely agree that mass production and mass cultivation of these medicinal plants should be taken up only after we have ascertained their chemical constituents. But at the same time I wish to point out that the chemical constituents of these plants vary within very wide limits and there is a lot of experimental work to be done in order to ascertain under what conditions the optimum contents of the active principle can be obtained.

Rai Rajeshwar Bali : Cannot that go on side by side ?

The Hon'ble the Minister for Education : Yes, the two things have to be done together. I take one or two examples. We are all familiar with the drug called *chiraita*. Its active constituent is a certain substance which we call ophelic acid, but it has also got a lot of other substances. You take another simple thing, viz. "*nim* leaves." They are known to possess antiseptic properties. It is true that the active constituent is called "margosin," but the *nim* leaf also contains a number of other things. We have to take the leaf at a time when its active constituent is at its highest.

Rai Rajeshwar Bali : But that does not require the aid of the Imperial Council of Agricultural Research.

The Hon'ble the Minister for Education : The work of testing this active constituent is very difficult. As I have just pointed out, all the chemical work has to be done side by side with the work of

[The Hon'ble the Minister for Education]

experimental cultivation. Once all the experimental work has been done—agricultural, chemical, and physiological—the mass cultivation will follow.

Sir, my friend, Khan Bahadur Hafiz Hidayat Husain Sahib, accused the Ministry of being anglicized. Sir, I do not know what he meant by that expression. In fact, I find him more Europeanized than myself if he is to be judged by his clothes. But, Sir, I wish to assure him that the work of encouraging indigenous medicinal plants is receiving the most earnest attention both from myself and from my colleague. We are very keen that Indian medicinal plants should come into their own. I might also mention as it did not seem to be clearly understood that the ordinary analyses of all these medicinal plants has been done several times and records of these analyses are available in various books published on the subject. There is a book called "Watt's Commercial Products of India" consisting of several volumes. That book contains a lot of analyses of almost all these medicinal plants. But those analyses are nothing to go by, because the constituents are so variable that a full and thorough investigation is needed. I wish to explain, Sir, that we are not dealing with this matter in a haphazard way. We have formulated a definite concerted scheme and that scheme has gone to the Imperial Council of Agricultural Research for sanction of funds. The Imperial Council of Agricultural Research exists for the purpose of such work and every province has a right to go to that body for grants for specific work concerning agriculture and allied subjects. This scheme will cover the whole field so far as cultivation is concerned. As regards the chemical and physiological sides, I have already explained that the Imperial Council of Agricultural Research has got an All-India scheme in which every province will participate.

Furthermore, we have got our own institutions in this province, like the universities, the Medical College, and the Technological Institute at Cawnpore.

Rai Rajeshwar Bali : Has the Government encouraged the Technological Institute at Cawnpore to take this work?

The Hon'ble the Minister for Education : Yes, they have done a good deal of that kind of work.

Mr. C. Y. Chintamani : Does that institute exist due to the kindness of the Hon'ble the Minister?

The Hon'ble the Minister for Education : I do not think . . .

The Hon'ble the President : May not the Hon'ble the Minister better continue after lunch?

At this stage the Council adjourned for lunch.

After recess the House re-assembled at 2 p.m. with the Hon'ble the President in the Chair.

The Hon'ble the Minister for Education : Sir, when we adjourned for lunch I was trying to explain to the House the various directions in which we have been working over this question of medicinal plants.

I referred to the speeches of Rai Rajeshwari Bali Sahib, Hafiz Hidayat Husain Sahib, and one or two others. I will now only briefly refer to the remarks which fell from the lips of Mr. Gajadhar Prasad, the member for the Allahabad University. He complained that the chemical analysis which is being done at the Allahabad University is not the same thing as the examination of those plants for their medicinal properties. Sir, I confess I do not understand him, and I would suggest that he should consult the professors of his University—the University which he represents in this Council—and clear up his doubts. He talked of some drugs being ricketty. Rickets was a disease known amongst children but not amongst drugs. One or two speakers criticized my attitude of being neutral. I think the point was first raised by my friend, Raja Jagannath Bakhsh Singh Sahib, and then it was later referred to by the mover of the resolution. The mover of the resolution, if I remember aright, said that logic was not my strong subject. Sir, I confess it was not. It has never been; I have never studied logic. I have confined myself to the study of subjects where there is no room for circumlocution or hyperbole. Scientific truths admit of no ambiguity or exaggeration. But Sir, talking of the logic of my action here I would point out that the resolution recommends that we should do a thing which, I maintain, we are already doing. I do not see how, in all logic that I may be capable of, I can say that I accept the resolution which only recommends a future course of action. It would be admitting that so far we have done nothing and that we would now, on the recommendation contained in this resolution, take up the matter. Anyhow, Sir, if it will give any satisfaction to the mover and to the House that I should accept the resolution, I do so with great pleasure.

Mr. C. Y. Chintamani: May I make an inquiry? The Hon'ble the Minister has referred to work that is being done in the Allahabad University. Will he kindly enlighten the House whether that work is financed from the proceeds of the endowment made by Colonel Kampta Prasad, or is it financed by Government?

The Hon'ble the Minister for Education: Some of it is.

Mr. C. Y. Chintamani: The remainder?

The Hon'ble the Minister for Education: The remainder is done by the University professors. The Government pays the professors—it finds the entire grant for the University.

The Hon'ble the President: The original motion was that this Council recommends that they may be pleased to have all the medicinal plants in use in rural areas in these Provinces chemically tested, with a view to find out their medicinal properties, so that they might be utilized properly. Since then an amendment has been moved that the word "all" be deleted therefrom and that for the words "chemically tested" the words "pharmacologically worked out" be substituted.

The question is that the word "all" stand part of the resolution.

The question was put and negatived.

The Hon'ble the President: The question is that for the words "chemically tested" the words "pharmacologically worked out" be substituted.

The question was put and agreed to.

The Hon'ble the President : The question is that the resolution, as amended, which reads "that this Council recommends to the Government that they may be pleased to have the medicinal plants in use in rural areas in these Provinces pharmacologically worked out, with a view to find out their medicinal properties, so that they might be utilized properly" be passed.

The question was put and agreed to.

RESOLUTION *RE* APPOINTMENT OF MUNSARIMS AND READERS IN HIGH, CHIEF, AND DISTRICT JUDGES' COURTS

The following resolution tabled by LALA SHYAM LAL was not moved as the honourable member was absent :

That this Council recommends to the Government that in future the post of munsarims and readers of High Court, Chief Court, and courts of District Judges be reserved for law graduates.

RESOLUTION *RE* UNIFICATION OF THE HIGHEST COURTS OF JUDICIARY IN THE PROVINCE

The following resolution tabled by RAI SAHIB RAJESHWARI PRASAD was not moved as the honourable member was absent :

That this Council recommends to the Government to constitute a committee to investigate and report on the measures to be adopted for having only one highest court of judiciary for the United Provinces of Agra and Oudh.

RESOLUTION *RE* RECRUITMENT OF CANDIDATES FOR THE INSPECTING BRANCH OF THE EDUCATIONAL DEPARTMENT

The following resolution tabled by KHAN RAHADUR SAIYID JAFER HOSAIN was not moved as the honourable member was absent :

That this Council recommends to the Government to delete the rule in the Educational Code which makes it compulsory for candidates for the inspecting line to be trained men before they are appointed in the said line.

RESOLUTION *RE* RECRUITMENT OF DEPRESSED CLASSES IN THE PUBLIC SERVICES

Rai Sahib Babu Rama Charana : * Sir, I beg to move that this Council recommends to the Government—

(a) that practical steps should be taken to recruit the members of the depressed classes to all ranks of the Police Department ;

(b) that immediate steps should be taken to replace the present staff of teachers and supervisors of depressed classes' schools by members of the depressed classes in every district ;

* Resolution originally tabled by Chaudhri Arjun Singh.

(c) that immediate steps should be taken to employ the members of the depressed classes as chaprasis, jamadars, etc., in the Secretariat and all Government offices throughout the Province.

Sir, in moving this resolution I am not unmindful of the bar against the admission of the depressed classes into the police service which was removed a few years ago, but this resolution is intended to bring to the notice of the Government that in practice no depressed classes are recruited in the police services. When the bar was removed it was thought that the removal of the bar would lead to free admission of the depressed classes in the police force, but to our great regret that has not come to pass. Only last year, Sir, in Lucknow a member of a class which is not quite untouchable wanted to gain admission and he was refused. Sir, unless the Government takes practical steps to see that the members of the depressed classes are recruited in the police force the removal of the bar is no consolation to the depressed classes. It is not only with the object of getting appointments that the depressed classes want admission into the police force but their main object is that by being admitted into the police force they will raise their status and will shake off some of their inferiority complex. The Government may possibly say that there is prejudice against them among the high caste employees of the police, but that plea cannot be believed in view of the fact that we find that Pasis, Doms, and Chamars are admitted to the chaukidari force, which is certainly a part of the police force. They are freely admitted as chaukidars and there is no objection on the part of high caste employees of the police. So it cannot but be due to the negligence of the Government itself that these people are not admitted in the police force. It is also not a fact that qualified members of the depressed classes cannot be found for all ranks of the police, though it is true that for higher branches their number may be small, but all the same there are some members of the depressed classes who are eligible for all branches of the police force. This being so, Sir, I cannot help remarking that the Government seems to have in mind some idea of untouchability in the matter of their admission to the police force. As I have said, Sir, Pasis, Doms, and Chamars are admitted as chaukidars and there seems to be no prejudice against this on the part of the high caste employees. When there is no antipathy against them here I do not know why they cannot be admitted in other ranks, e.g. as constables, head constables and even as sub-inspectors of police. It cannot but be due to the apathy and negligence of the Government itself. I would ask Government to issue definite instructions to all Superintendents of Police in this behalf and to see that those instructions are actually carried out in practice. This is as regards the first part of my resolution.

As regards the second part, I may at once inform the House that I am not speaking of each and every school in which depressed class boys may be reading; I am speaking of the special schools which are set apart for depressed class boys only. When these schools are located at places where there is prejudice against the admission of depressed class boys into the general schools, I do not see the reason—I do not see the logic of it—why high caste Hindus should be admitted

[Rai Sahib Babu Rama Charana]

as teachers into those schools. When there is prejudice in a locality I do not know how the high caste Hindus of the locality could be expected to do the same justice to the boys of the depressed classes as they would do to the boys of the higher castes. Moreover, Sir, if depressed class teachers are appointed to these schools they will not only find employment, but this would induce the parents of the depressed class boys to send their children to the schools and they would devote more attention to the education of these boys. As regards supervisors, the very idea of supervising denotes that there is something to be supervised. And what is that thing to be supervised? A supervisor is expected to see that the depressed class boys are freely admitted into the schools and that equal treatment is meted out to them while they are at school. This supervision is required as against high caste Hindus who have got some prejudice against them. It is not reasonable that the very persons who have a prejudice should be entrusted with the work of supervision. It is only reasonable, Sir, that supervisors should be recruited from among the depressed classes. As I said in regard to the first part of the resolution, there is no dearth of qualified men to perform the duties of a supervisor. There are a sufficient number of them, I should say, they are enough and to spare, who can fill these posts. I am not asking for dismissal of the teachers and supervisors belonging to the higher castes who are already there. I do not mean to suggest that they should be turned out of service. But I think that they can be very usefully transferred to other posts. They should not lose their jobs.

As regards the third part of the resolution, I am simply asking for bare justice. My only object is that in the appointment of chaprasis and jamadars the members of the depressed classes should be given equal chances with other castes. I find, Sir, that the depressed classes are not generally admitted as chaprasis and jamadars by even the high officers of the Secretariat and other departments. There will be no difficulty, Sir, in appointing members of the depressed classes as chaprasis, because the officials are not generally orthodox people and they do not observe untouchability. Even if there be any such officer, ordinarily two chaprasis are given to an officer, and one may well be from among the depressed classes and the other may be recruited from the higher castes. The economic condition of the depressed classes is admittedly deplorable, and if they are appointed as chaprasis and jamadars their economic condition will to a certain extent improve.

With these remarks I commend my resolution to the acceptance of the House.

Shaikh Muhammad Habib-ul-lah : With your permission, Sir, I beg to propose the following amendment to the resolution, viz. that for the words "to all ranks of the Police Department" the words "in all branches of the public services" be substituted in part (a).

The Hon'ble the President : But there is an amendment to that effect already on the agenda in the name of Babu Ram Bahadur Saksena.

Shaikh Muhammad Habib-ul-lah : In that case I shall speak on the amendment later.

Babu Ram Bahadur Saksena : I beg to move that in part (a) for the words "to all ranks of the Police Department" the words "in all branches of the public services" be substituted and that parts (b) and (c) be deleted. The words "police service" are a misprint for the words "public services."

Much as I have always sympathized with the depressed classes I am sorry that it is not possible for me to accept parts (b) and (c) of the resolution. This is not because of any lack of sympathy on my part for the depressed classes, but because I feel that the recommendations made there are impracticable, and in case the resolution of Rai Sahib Babu Rama Charana is carried as it is, it would be impossible to give effect to it. Honourable members will notice that part (b) of the resolution asks that all those teachers and supervisors of the depressed classes' schools who do not belong to these classes should be dismissed and in their places those belonging to the depressed classes should be employed. In the first place it is very doubtful if so many competent teachers and supervisors of the depressed classes would be immediately available, and in the next place even if it be presumed that they are available, I submit that it would be an act of sheer injustice to dismiss the existing staff for the only reason that they do not happen to belong to the depressed classes. Then, Sir part (c) of the resolution suggests that members of the depressed classes should at once be employed as chaprasis in the Secretariat and other departments of the Government. That, again, would involve the dismissal of most of the present menial staff in the different offices. I do not think that it would be the intention of the honourable mover that persons who are not members of the depressed classes should be deprived of their jobs in order to make room for members of the depressed classes. This being the case I have moved the amendment standing in my name. The amended resolution will read as follows :

"That this Council recommends to the Government that practical steps should be taken to recruit the members of the depressed classes to all branches of the public services."

This amended resolution, I submit, is very comprehensive and would serve the purpose which the honourable mover has at heart. I trust, therefore, that the honourable mover will accept my amendments.

Shaikh Muhammad Habib-ul-lah : I rise to say a few words on this resolution.

The Hon'ble the President : The Shaikh Sahib, I am afraid, has already exhausted his right of speech, but as I know the Council is always anxious to hear him, I give him the right of another speech as a special case.

Shaikh Muhammad Habib-ul-lah : Thank you.

In that case I would say nothing about part (a) of the resolution, but with regard to part (b) I shall move an amendment to the following effect "that steps should be taken, so far as is practicable,

[Shaikh Muhammad Habib-ul-lah]

to replace the present staff of teachers and supervisors of depressed classes' schools by members of the depressed classes who may be dismissed."

The word "immediate" be deleted and after the words "be taken" the words "as far as practicable" be added.

The Hon'ble the President: As no notice of this amendment was given, is there any objection to its being moved?

Rai Sahib Babu Rama Charana: Sir, I object.

The Hon'ble the President: As there is an objection, the amendment cannot be moved.

Mr. S. T. Hollins: Sir, as regards the police service, there is no prohibition in our rules and regulations about the enlistment of the depressed classes in any branch of the police force. The difficulty is a practical not a theoretical one. Our men will not associate with members of the depressed classes. They will not work with them and they will not let them draw water from the same wells. That is our experience when we try to enlist members of the depressed classes. It is impossible to build separate barracks for the depressed classes to provide separate wells for them, and to keep them separate from caste Hindus. That is the practical difficulty. Further, in order to save man power, I have started police messes on what I call communal lines. We have a Hindu mess and a Muhammadan mess, and I am persuading all Hindus to take their food in the Hindu mess. This gives a great saving of man power. It means that every man has not to prepare his own food. When he goes from parade, he takes his food and is ready for duty again in a short time. Under the old system it took a Brahmin constable from three to four hours to perform his ablutions and to prepare his food, etc. We cannot expect our caste constables to admit depressed classes to Hindu messes. Another difficulty that we have experienced is not with the police themselves but actually with some members of the public. We enlisted a number of women constables, and they are still in the force. I am sorry to say that there has been a certain amount of opposition to these women constables from a section of the public. These women constables have proved themselves very useful, but some of them are of low caste and high class women object to being approached by them. That is the practical difficulty. We find the same difficulty if we enlist members of the depressed classes as constables and send them out to arrest respectable people. They object to being arrested by them. We are perfectly ready to enlist them, and we can only hope that with the spread of education these caste barriers will be broken down and that in time caste will be regarded as an anachronism. That is all that I need say regarding the practical difficulties we will experience if we try to enlist members of the depressed classes in the police. The unsuitability of depressed classes generally for enlistment in the police has been discussed by this Council before.

Mr. A. H. Mackenzie: Sir, I get up to say a few words on behalf of the Education Department, and I think what I have to say will give the honourable mover more satisfaction than the speech to which

he has just listened. The Education Department have gone a long way already to meet the suggestions of the honourable mover. He made two points. One was that special schools for the depressed classes should be staffed, as far as possible, by members of these classes. I think he made it clear that he did not want any injustice to be done to the existing teachers. We have a rule that these schools should, as far as practicable, be staffed by the members of the depressed classes, and the Education Department are prepared to make inquiries as to the extent to which this rule is now actually being observed. The second point made by the honourable mover was that the supervisors of schools for the depressed classes should themselves be members of the depressed classes. At present there are about 34 or 35 districts in the United Provinces that have supervisors for schools for the depressed classes. There are only about eight of these supervisors who actually belong to the depressed classes. The reason for the small number is partly that before Government issued a rule to the effect that these supervisors should belong to the depressed classes, the boards had appointed to them persons who belonged to higher castes. Some of the boards have said that it is not possible to give effect to this rule without injustice to the existing supervisors. But here again the Education Department are prepared to make further inquiries. We are prepared to ascertain precisely who these supervisors belonging to higher castes are, what their qualifications are, whether if they are replaced by members of depressed classes they can be absorbed in other positions, and whether suitable qualified members belonging to the depressed classes are available for filling the positions of supervisors. I think this is as far as we can go and I think it is as far as the honourable mover can reasonably expect us to go.

Mr. C. Y. Chintamani: My practice in this Council is generally to show respect to honourable members on the opposite side by following them and not to be so irreverent as to precede them. This time, however, it has been suggested that I should reverse the process and speak before the Hon'ble the Home Member. The Home Member is the junior-most member of this Council. In his present incarnation as a member of this House he is just an infant of three days and we give infants special consideration. This particular infant is already a talking animal, although he is three days' old. But in these three days the whole House will bear testimony to the fact that he has been a particularly well-behaved child, and in recognition of good conduct I save him the embarrassment of following him and give him the advantage of following me.

This resolution might well have been expected to be received with great cordiality, not only by non-official members but by the spokesmen of the Government. Honourable members will remember the impressive spectacle that was witnessed on the floor of the House at Lucknow some time ago. A resolution very much similar to this was put before the House and there was a regular parade of official speakers led by the then Home Member, including the present Home Member who was then the Chief Secretary and was not at that time an infantile member, including the Director of Public Instruction and

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others. On another day the Director of Public Instruction made a very interesting speech, unfortunately in my absence. A number of members of this House belonging to the so-called depressed classes about that time happened to leave the party to which I belong and to go under the protecting wings nominally of Raja Bahadur Kushalpal Singh, the leader of a party known as the Peoples' Party, but really chaperoned by the Government. In speaking on a resolution which affected his department and the depressed classes, the Director of Public Instruction, the ardent reformer that he is or pretends to be, heartily congratulated the honourable members belonging to those classes on their good sense in leaving the Nationalist Party. It was always understood, in spite of the accents of radicalism that so inappropriately fall from the lips of the Director of Public Instruction when he has no argument to advance. I have always understood him as well as the other radicals on that side, finding the Nationalist Party somewhat of a thorn in their flesh and therefore, reformers though they pose as being, I was not in the least unprepared for the diatribes in which he indulged on that day. I suppose "tub-thumping" was native to him came to his rescue and like a practised tub-thumper he indulged in language the most reckless in order to give vent to all the animosities which could be expressed against the party which has the misfortune of having me as its spokesman.

With that experience before, I should have expected the Inspector General of Police to have spoken in somewhat different accents. I have understood that for 72 hours the Inspector General of Police has been anxious to have an opportunity of paying me back in kind for a speech that I happened to make here on Tuesday afternoon. Unfortunately, this morning, he got nothing to attack, and this afternoon again he spoke a little prematurely and therefore has not the advantage of following me: but I will take a minute or two of the time of the House on the position which he has taken in regard to the Police department. The Inspector General's objection is not theoretical, but practical. And what is that practical objection? Bearers and messes so far as the police force are concerned: I could well understand the common feeling on the part of caste Hindus at the present stage of development of social reform, and the fact that the Inspector General of Police has found it possible to have a common mess for all caste Hindus bears eloquent testimony to the success of the work of social reformers which has gone on for the last two generations, and I have no doubt in good time, sooner than later, the successor of the present Inspector General of Police will find that he can extend the system and can have a common mess for all Hindus, including the so-called depressed classes. At the present moment, that objection can well be met by the provision of a separate mess for them. If you cannot have all progress at one time, you can have some. That is a doctrine that honourable members opposite themselves are not tired of preaching to us on this side of the House. If we cannot have the best, let us not decline good. I attach no importance whatsoever to that objection with regard to the bearers. They need not live in the same room. I do not think that is a formidable objection. It can easily be met, even in the case of high caste Hindus by allowing them to live in their own rooms, while others

should live in separate rooms. Assuming there are other objections, where goes the discipline of what Sir George Lambert described as our splendid police force? The head of the department says that if this thing is done, then discipline must suffer. I did not know that the discipline of which they speak is discipline directed only against the public, that the confidence reposed in the police force is only for the purpose of confounding their critics in public, and that in matters of police administration even so great and mighty a personage as the Inspector General of Police must come forward with objections based on the fear of loss of discipline. The Inspector General's next objection is curious. Respectable people will object to being arrested by police men belonging to the depressed classes. I cannot help smiling. If the doctrine is that a person whom the police want objects to be arrested and therefore cannot be arrested, then the police can only arrest one who wants to be arrested, who has no objection to be arrested. Respectable people—I am glad to note that the police recognize that there are respectable people in this country. I thought we were all *badmashes* of varying degrees. There was once a magistrate before whom an accused was placed under section 110. The magistrate said to the accused "You are a *badmash*." The accused replied "No." "But you are an Arya Samajist," said the magistrate. "No" replied the accused. "You must be an Arya Samajist because you are a *badmash*," said the magistrate. The accused said "But, hazur, I am a Muslim, how can I be an Arya Samajist." The magistrate said "You are a Muslim Arya Samajist then as Arya Samajists are *badmashes*." There is another case where an esteemed and distinguished friend of mine present at a meeting along with what we considered to be other respectable men was arrested, and before arrest he was given a blow on the head by a subordinate police officer. This officer said "This blow to you is in my name." He gave him a second blow and said "This is on behalf of *Kipton Sahib*." He then gave him a third blow and said "This is on behalf of the District Magistrate." After these three blows he was arrested and taken away. Representation was made against this signed by some of the highest members of society. Promptly came a Government *comminique* stating that the contents of this representation were false and giving credit to the police for singularly restrained behaviour. However, I congratulate myself on thinking that there are respectable persons amongst us, and still more that the Inspector General of Police himself wants to be so deferential to the public that he will only get them arrested by persons by whom they will have no objection to be arrested. If this had been so, there would not have been thousands of endless and unjustifiable and wanton arrests in the name of political offences under ordinances and other equally objectionable laws. I have been supplied with a powerful reason to be more eager even than Rai Saheb Rama Charana for the employment of members of the depressed classes in the police force. It is because we shall not consent to be arrested by these people, and therefore we shall not be arrested. The Hon'ble the Home Member, in his capacity as Member for jails, will have less work to do because he will not have to attend to so many complaints regarding the treatment of political-prisoners. I wish to assure the

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honourable mover that I do not attach any serious importance to the arguments put forward by the Inspector General of Police, and I am much more with him. Some years ago a Governor went to the British Indian Association to receive an address of welcome, and exhorted taluqdars to choose their allies aright. I repeat that phrase and I hope the honourable mover of this resolution will know to choose his allies aright.

I now come to the resolution as it stands and the amendment that has been moved. On a close examination of the language of the resolution I am impressed partly by the superfluity of some parts of it and largely by either the impracticability or unreasonableness or inexpediency of some other parts of it. I come to clause (b), "that immediate steps should be taken to replace the present staff of teachers and supervisors of depressed classes schools by members of the depressed classes in every district." I venture to think with all respect to the honourable mover that to give effect completely and literally to this part of the resolution will be highly detrimental to the interests of the classes which he represents. I am all for an increase in the number of teachers belonging to the depressed classes to the largest possible extent and such a special patron saint of theirs as the Director of Public Instruction has more than once represented himself as being, may be trusted not to be slow to act in their behalf. But it is no fault of the depressed classes themselves that it should be so, but the fact is there that there is not an adequate number of competent men available among these classes at the present stage of their development. In order that they should be levelled up and should take their proper place in the community as a whole, they should be provided with opportunities of receiving the best possible education and for that purpose teachers not belonging to these classes should, as far as may be necessary, be replaced by depressed class teachers or be supplemented by such teachers when the latter are available in sufficient numbers. For this reason only I do not see my way to support this clause (b).

Then I come to clause (c), "that immediate steps should be taken to employ the members of the depressed classes as chaprasis, jamadars, etc., in the Secretariat and all Government offices throughout the province." This can be done in one of two ways—either by increasing the number of this class of public servants or by replacing some of those who are already in service by others who belong to the depressed classes. I do not think the former alternative will be seriously urged by anyone. We do not want an addition to the establishment where no such addition is required on grounds of administrative necessity merely in order to give employment to persons belonging to certain classes. The second is also objectionable because it would not do for the Government or any private employer to turn out men who have put in approved service in order to find room for others. The same objection was urged the other day when a plea was made that all prosecuting inspectors and sub-inspectors should be taken from among law graduates. The amendment that has been moved by my honourable friend behind (Babu Ram Bahadur Saksena) covers the whole of the resolution, meets all just requirements and deserves to be accepted.

The Hon'ble the Finance Member : Sir, I have nothing to do with the Police—thank God. It is beginning to become a King Charles' head in this Council. It is constantly being dragged into discussion,—sometimes by the head sometimes by the heels. I am merely connected with chaprasis. I agree with my friend the Leader of the Opposition that as it stands, part (c) cannot be accepted because, as he says, it involves either appointing a lot of chaprasis we do not want or getting rid of a lot of chaprasis who are already in service and doing their work satisfactorily. As it stands, we must object to it. In principle I have no objection whatever to appointing members of the depressed classes as chaprasis. It is probable that my definition of the phrase “depressed” classes and that of the honourable mover might differ but according to my definition we have already 13 in the Secretariat alone. We no doubt have many others in other Government offices, but I really do not know as I had not the time to make inquiries. Apart from these 13 chaprasis there are about 10 more whom the honourable mover would probably call depressed. Consequently we have done a good deal in the desired direction already. There is of course absolutely no bar to the members of depressed classes being enlisted as chaprasis and the reason why they are relatively few is that few have applied. I do not think there is really anything more that I need say. I can see the possible difficulty in the present state of society in India. For instance I wonder if an orthodox Brahman member of this Council would be very pleased to receive from me a letter which he knows has been carried by a chaprasi who happens to be a Bhangi. Personally I doubt it. So far as chaprasis are concerned there is absolutely no bar whatsoever to the members of the depressed classes being enlisted as chaprasis, and as a matter of fact they are enlisted. But I must object to the words “immediate” and its implications which, as the honourable Leader of the Opposition has said, makes the resolution impossible. We cannot get rid of chaprasis who are already in service.

Raja Jagannath Bakhsh Singh : Sir, the resolution is in consonance with the change that has taken place in the society in these provinces—I mean the change that is being made by the social reforms. Nobody can deny that prejudices do exist in this country as in many others and nobody can deny that prejudices die hard. So far as the arguments that have been advanced from the opposite benches are concerned I cannot say that there is no truth in them, but what I would like to advocate in this House is what I would like to advocate outside this House. Need for social reform has been felt in the society in the direction of the uplift of depressed classes. This is a genuine demand. This is a genuine need. The society which has been treating the depressed classes in the manner in which they did in the past, deserves a reform, a radical reform and an immediate reform. In so far as this resolution conveys the demand of the public in this House it has my wholehearted support. I agree with those who think that the original resolution is not what it should be and that there are some practical difficulties if the original resolution is adopted. My friend Mr. Saksena has moved an amendment which makes the position clearer and more practicable than the resolution itself. I should therefore think that the Government should have no difficulty

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in accepting the resolution as amended by Mr. Saksena. The position taken by the Inspector General of Police that the present conditions will remain as they are so long as caste barriers are not broken down is not a justifiable position. I think that the Government should also move with the reform that is being made in castes at present. I am one of those who feel diffident and do not think that caste barriers either in this country or in any other country in which they exist will be altogether abolished so quickly. Therefore, Sir, reform should not be postponed indefinitely in this direction and I simply wish to suggest that Government should proceed in this matter at least as much as the public itself is proceeding, and that nobody should be refused admission into Government service simply because he belongs to a depressed class. It is true that there may be some objection from the very orthodox section, but Government should take into consideration that the orthodox section in Government service is fast dwindling down as it is dwindling down in the public at large. The various departments of Government which are concerned with this matter should take up this matter and the policy of Government in enlisting those men should not be obstructive but constructive. I am not one of those persons who are afraid of the recruitment of a large number of persons belonging to these classes and there is no reason why Government should apprehend the result so much as it has done. I think that the difficulties in the way of the Government have been very much minimized by public reformers. With these few words, Sir, I wholeheartedly support the resolution as amended by Mr. Saksena.

Rai Bahadur Babu Vikramajit Singh: I think the meaning of the resolution moved by my friend Rai Sahib Rama Charana has not been rightly understood. He did not mean to say that those who are already in Government service should be dismissed and their places should be filled up at once by members of the depressed classes. A question was put by my honourable friend Mr. Mackenzie whether he meant that the existing teachers ought to be dismissed and that their places ought to be filled up by members of the depressed classes. To this my friend the mover replied in the negative. So that what I understand from his resolution is that he means that as opportunities occur, as vacancies occur, the recruitment in those places ought to be made from amongst members of the depressed classes. The question here is that the members of the depressed classes ought to be given a share in the various services. Now, it has been stated that the caste Hindus have got certain objections and that caste barriers ought to be broken down before they can be given employment. My submission is that orthodox Hindus have got objection only with regard to inter-dining or inter-marriage. I think that those barriers will exist so long as the Sanatan Dharma exists. My submission is that there is no justification for debarring them from service. After all the caste Hindus deal with Muhammadans, with Christians, with Parsis, with all other castes with whom they do not inter-dine or inter-marry, and consequently so far as they are concerned there ought to be no objection to give them places in services. It is a question of bread and butter. They form a very large percentage of the population

of the country, and as we get every day resolutions that they ought to be uplifted, that more and more education ought to be spread amongst them, there is no reason why they should not be provided for wherever opportunities arise. The honourable the Inspector General of Police has said that if recruitment will be made from amongst the depressed class people there will be difficulty with regard to messes, barracks and so on. He might be justified in saying so far as the armed police is concerned, but with regard to the investigation department or the Staff of the outside police stations there is no question of barracks or messes at all: there everyone cooks his own food and everyone makes his own arrangement. I might also suggest that posts such as those of head constables, *diwanjis* and so on can very easily be provided to them if they are literate and otherwise fit for those places.

Sir, the facts ought to be faced properly. When they are getting nominations and representations on the local bodies and legislative Council, why should they be debarred from getting a fair share in the services? I think it is not necessary to pass the amended resolution, because the resolution as it stands does not mean that people who are in service ought to be immediately dismissed. I do not think that anyone can claim that or that would be reasonable. The only thing that should be done is that whenever vacancies occur they should be given to the members of the depressed classes. It is no use showing mere lip sympathy to them. We ought to show practical sympathy. When there is a general question that their condition ought to be improved, the question is that the Government ought to take into its hands the question of their employment of the depressed classes in the various services wherever opportunities occur. If they are qualified they ought to be given their fair share whether it be the Education Department, or whether it be the Police, or whether it be the Judicial service. Orthodox Hindus have got no objection to their getting a fair share at all. Their objection is entirely so far as religion goes. You cannot change your religion. It cannot be said that after a few years the religious creed will change. It is quite possible that people who are now Sanatan Dharmis may not remain Sanatan Dharmis, may join other creeds, but I think that so far as Sanatan Dharma itself is concerned and those who follow it, will have to abide by the Shastras and the basic principles of Sanatan Dharma can never be changed. So there is no question of breaking down the caste barriers before giving a fair share of services to members of depressed classes. I submit, Sir, these things are absolutely outside the question before the House. There seems to be no legitimate reason why the members of the depressed classes when they are fitted and suited for any particular post should not get it. And as an orthodox Sanatan Dharmist I say our body has no objection in giving them a fair share of the public services.

* **Rai Rajeshwar Bali:** Sir, after the number of speeches that have been made in support of the motion I need not have intervened in this debate. If I do so it is only to emphasize one particular point. The Inspector General of Police raised certain objections as regards the employment of the members of the depressed classes in the police service,

*Speech not revised by the honourable member,

Mr. S. T. Hollins: I said there was no objection to their employment—the objection is not ours, it is from the men.

***Rai Rajeshwar Bali:** He said that there were practical difficulties and people object to their employment as policemen. A very valuable contribution to the debate has been made by my friend the Leader of the Constitutional Party. He has shown that our objection, the objection of even the most orthodox Hindus, is confined to two facts only, namely inter-dining and inter-marriage, and these objections cannot be included in the list which the Inspector General has presented to the House. These observations coming as they do from the President of the Brahmavart Sanatan Dharma Mahamandal are of particular value to us. It is very gratifying to see that after all there has been such a change in our outlook towards the members of these depressed classes. I remember that hardly two years ago when a member of the depressed classes came into this House—and when our party had the honour of including the President of the Brahmavart Sanatan Dharma Mahamandal amongst us, I remember that he refused to shake hands with those members of the depressed classes.

Rai Bahadur Babu Vikramajit Singh: I rise to a point of order. My honourable friend does not appear to have any justification in bringing in a thing where in humour or jocularly a thing might have been said or done. This ought not to be repeated on the floor of the House. Otherwise I have to make an explanation at this stage of the incident and what I did say and what I did not say. I do not think that it has any bearing.

***Rai Rajeshwar Bali:** I was only mentioning that I do not know whether this change in outlook is due to political propaganda.

Rai Bahadur Babu Vikramajit Singh: No, no.

***Rai Rajeshwar Bali:** Then possibly to the party leadership to which he has been now elevated. However, as he has pointed out all this is beside the point. The fact that he, the president of such an orthodox body, has no objection to the recruitment of these classes in the police force, should be a complete answer to the remarks of the Inspector General of Police.

Chaudhri Bharos. (चौधरी भरोस)

जनाब प्रेसीडेंट साहिब,

इस नैनीताल में, कौंसिल में, मेरा सब लोगों से यह निवेदन है कि यह जो Depressed Classes हैं क्या कुम्हार ने गढ़ कर के बिठा दिया है ? Depressed Classes जो पढ़े लिखे हों उनको थानेदारों और अफसरों क्यों नहीं दी जाती है पुलिस में ? ऐसा क्यों नहीं किया जाता है ? यह मेरा निवेदन है कौंसिल से। Depressed classes वह लोग हैं जिनको इंडिया में उत्तम कर के भेजा है। तो हमको आनरेरी मजिस्ट्रेट क्यों नहीं बनाया जाता ? मैं गवर्नमेंट से कह रहा हूँ कि Depressed classes को आनरेरी मजिस्ट्रेट बनाया जाय ॥

**Speech not revised by the honourable member*

***Khan Bahadur Maulvi Fasih-ud-din :** Sir, with your permission and the permission of this honourable House I want to make a little amendment to this resolution and the amendment which I wish to make is—delete (b) and (c) and in the third part substitute the word “Public” for “police.”

The Hon'ble the President : That amendment is already before the House. It has been moved by Mr. Saksena.

***Khan Bahadur Maulvi Fasih-ud-din :** Then I will speak on the resolution.

Sir, I give my wholehearted support to this resolution as amended. The fact of the matter is that the original resolution as it stood was restricted to the departments of police and education and to the few menial services in the Secretariat. The amended resolution as it now stands widens the scope of the resolution and is calculated to benefit the depressed classes much more than the original resolution. I should like to make only a few comments as regards the recruitment of depressed classes in the Police Department. The Hon'ble the Leader of the Nationalist Party has criticized the Inspector General of Police regarding the reasons which that officer has given concerning the recruitment of the members of the depressed classes in the police. The Inspector General of Police has said that high caste Hindus employed in the Police Department do not allow members of the depressed classes to draw water from the same well in the police lines and they want separate arrangements for their mess. This objection in my opinion is correct for the simple reason that there is still some prejudice amongst the high caste Hindus regarding these matters even outside the department and that attitude is also kept up inside the department and howsoever patriotic and nationalist we may be we cannot ignore the fact that we have got to exert ourselves very much before we can overcome this longstanding prejudice and although the reasons which have been given by the Inspector General of Police are not sufficient to prevent him from recruiting at least a few members of the depressed classes yet there is something in those reasons which ought not to be disregarded. The chief objection which I have heard being raised by several Superintendents of Police is this that there are certain castes amongst the depressed classes which do not possess the calibre which is needed for the policemen. They say that the Police Department is a semi-military department, and it is only those people who possess the calibre and who have antecedents of gallantry in connexion with that task that are more fitted for this kind of work than those who remained down-trodden for centuries and centuries. That objection, I think, is more valid than the objections put forward by the honourable the Inspector General of Police. It does not follow that there is no one among the depressed classes who possesses the calibre that is needed for employment in the Police Department. In any case, the resolution as it stands, I think, ought to be acceptable to the whole House because it does not specify any particular department in which the depressed classes are to be employed.

**Speech not revised by the honourable member.*

The Hon'ble the Home Member : Sir, at the outset I wish to thank the Leader of the Opposition for having accepted my request that in this particular debate he should precede me. I fully acknowledge the philanthropic motive which has induced him to accept my request. If, Sir, I indulge in a little childish prattle, or in some infantine inconsequence of argument the reason will be quite obvious to the House. I must congratulate, Sir, my honourable friend Rai Rama Charana Sahib for the persistence and ability with which he advocates the cause of the depressed classes. I am not quite certain whether he would himself fall in the category of the depressed classes; I do not know whether that category goes below him or above him. That is my first difficulty in dealing with this resolution.

This point was raised yesterday, and if I were inclined to be a little obstructive I should ask the honourable member to let me know precisely what are the classes which he has in mind. However, I will not press that point at this late hour. I think all of us in this House must be surprised at the rapid change that has come about in the social ideas of the people. Who could have imagined five years ago, or even four years ago, that the sacred city of Benares would send as its representative the honourable member who spoke a minute ago? I think it is unnecessary for Rai Rama Charana Sahib, as I said before, two years ago to worry himself about the progress which depressed classes are making. I think if there is to be any fear, any anxiety, it should be on the part of the higher castes. If the city of Benares could return Chaudhri Bharose what will happen to places like Moradabad, or, going a little east, to Partabgarh or to Rae Bareilly? Another thing that has struck me is that this resolution has been supported by a Brahmin from Madras, by a leader of the Sanatan Dharma Mahamandal of Cawnpore, and by a high caste Rajput of Rae Bareilly. I think that these are all very reassuring signs, and I hope that my honourable friend the mover will see that they are all in his favour.

Now, Sir, I come for a moment to the statement made by my honourable friend, the Inspector General of Police. I think he as the departmental head merely stated the difficulties with which he has been faced hitherto in recruiting members of the depressed classes in the Police Department. There have been, for instance, as he said, difficulties about messing and lodging. Of course, he himself has not failed to observe the rapid progress that has taken place of late in the ideas of the people. As I have stated before, taking the term "depressed classes" in its generic sense there is no bar whatever to the recruitment of these classes to any branch of the public service. But, as has already been pointed out, in recruiting men for a particular service we must keep in mind the qualifications required for that service. On the other hand, where it is the case of employing illiterate people, a large majority of them are drawn from the depressed classes. Honourable members will recognize that a majority of the men in the lowest rung of the ladder in the subordinate police force are recruited from the depressed classes. Here I am referring to the village chaukidars. I think I am right in saying that a majority of the village chaukidars are

members of the depressed classes. It is clear, therefore, that there is no prejudice against men of these classes in the Police Department. The fact that a certain man happens to belong to the depressed classes does not, however, absolve him from fulfilling the various qualifications required for a particular post. I have no doubt that in times to come men of these classes, will by their education, by their mode of living qualify themselves more and more for higher posts in the Police Department. As it is, efforts are being made in all possible directions to improve the lot of the depressed classes. The Government has no prejudice of course against these classes, and it cannot possibly have any. A year or eighteen months hence there will be in the local Legislative Council about twenty representatives of the depressed classes. I should like to know what Government could in the circumstances ignore the claims of these classes. I wish to assure the House again that Government has no objection in principle to the recruitment of the depressed classes to the police force. But we cannot ignore practical difficulties such as those of education and of physique among these classes. Just because a candidate happens to belong to the depressed classes we cannot brush aside in his favour the educational and other qualifications required for higher posts in the Police Department. I trust that what I have said above will not be regarded by the honourable mover as mere lip-sympathy.

Rai Sahib Babu Rama Charana : I am very thankful to the honourable members who have spoken in support of my resolution. As pointed out by Rai Bahadur Babu Vikramajit Singh, I do not mean to say that all those teachers working in the depressed classes schools who are not members of these classes should be turned out. What I want is that depressed class teachers in general schools should be transferred to the special schools and that high caste teachers in special schools should be transferred to the general schools. This will not involve any expenditure and there will be no difficulty.

As regards clause (c), I would say that there too I do not mean that the present chaprasis and jamadars should be turned out and should be replaced by depressed classes.

As regards clause (a), I would gladly accept the amendment, if the honourable mover of the amendment kindly accepts the resolution like this—"that practical steps should be taken to recruit the members of the depressed classes to all ranks of the public services, specially the Police Department." My grievance is not that there is any rule barring the admission of the depressed classes, but my grievance is that in the Police Department depressed classes are not taken deliberately. As has just been remarked by the Hon'ble the Home Member, depressed classes are admitted into the *chaukidari* rank of the police force—I mean Doms, Pasis, and Chamars are admitted: I do not know how they arrange for their kitchen, when they go out for service, along with constables belonging to the high castes. There is no objection on the part of the Hindus to the admission of the depressed classes in the police force on the ground of untouchability or orthodoxy. They may object on the ground that if these depressed classes are taken, there will be very few posts

[Rai Sahib Babu Rama Charana]

left for them. I would respectfully request the Government to pay a little attention to this matter and issue instructions to Superintendents of Police to admit depressed classes into the police force, if they are qualified in every respect. I never meant that unqualified members of the depressed classes should be shown any special favour. I am sorry I am unable to accept the amendment moved by my honourable friend, Mr. Ram Bahadur Saksena.

I would now deal with an objection raised by Mr. Chintamani. I am very much surprised to hear from one who has encyclopaedic knowledge of everything that there is paucity of teachers belonging to the depressed classes. If he were to permit me, I would ask the depressed class teachers to knock at his door from morning to evening every day—I mean teachers who are qualified for posts in primary schools. I was very much surprised at this lack of knowledge of my friend in this respect. It seems it is only recently that he has begun to take interest seriously in the depressed classes.

The objection as regards kitchens and barracks has already been met by my friend, Mr. Vikramajit Singh, and I need not repeat the same arguments again.

If the Government really wants to appoint men of the depressed classes to the police force, I do not think there is any impediment in this direction. When a few years ago, the bar against the admission of depressed classes into the Police force was removed—I mean against the admission of certain classes—it was expected that the Government had thought of some ways and means to admit them into the police force. I am surprised that in spite of the removal of the bar nothing practical has been done, and that the removal of the bar was simply to show to the general public that the Government is very generous to the depressed classes. I said in my opening speech that a carpenter boy went to the Superintendent of Police, Lucknow, last year, and was refused admission because he belonged to a depressed class. He was examined, found physically fit, he possessed educational qualifications, and after that he was rejected because he belonged to the *Barhai* caste. The fact of the matter is that the officers of the Police Department do not pay any heed in this direction. The main object of my asking the Government to admit the members of the depressed classes in the police force is that most of the petty *sulm* done by the petty officials of the police force is upon the depressed classes in the rural areas. If a sufficient number of members of depressed classes be admitted into the police force much of the *sulm* and complaints that come to the knowledge of the Inspector General of Police will cease.

As regards the objection (which has been supplemented to the grounds of the Inspector General of Police) of my friend Khan Bahadur Maulvi Fasih-ud-din that the depressed classes do not possess the required calibre to enter police service, I say, Sir. . .

Khan Bahadur Maulvi Fasih-ud-din: On a point of personal explanation. I did not say all the castes of the depressed classes, I said some of the castes.

Rai Sahib Babu Rama Charana : Unless my friend specifies a certain class I am not in a position to reply to the argument. I know of *Lasis*, I know of my own caste, that they are rightly or wrongly in some places, recorded as members of the criminal tribes who are responsible for seven or eight murders. At least it is ridiculous to say that they are wanting in courage, in calibre or anything else. All that they require is to regulate their courage in the proper channel which I think is the primary duty of the Government.

I think I need not answer any other criticism and I commend my resolution, without the amendment, for the acceptance of the honourable House,

The Hon'ble the Finance Member : At 4.35 on a day like this—and I hear on good authority that it is raining—I think that probably the most “depressed class” in the province are the members of the Legislative Council. Certainly I felt depressed myself. I am not therefore going to take up very much time. I think this is the first time that I have heard it stated that because a man was a first class murderer therefore he would make a first class policeman, unless, of course, he was hanged first.

As regards the resolution, I am sorry I cannot agree with my friend Rai Sahib Babu Rama Charana. We cannot accept the resolution as it stands because of the practical difficulties that have been pointed out not only on this side of the House but on the opposite side. But we are quite prepared to accept the amendment as moved by Babu Ram Bahadur Saksena.

The Hon'ble the President : I think I had better put the resolution in parts.

The resolution moved was that this Council recommends to the Government :

(a) That practical steps should be taken to recruit the members of the depressed classes to all ranks of the Police Department.

(b) That immediate steps should be taken to replace the present staff of teachers and supervisors of depressed classes schools by members of the depressed classes in every district.

(c) That immediate steps should be taken to employ the members of the depressed classes as chaprasis, jamadars, etc. in the Secretariat and all Government offices throughout the province.

Since when an amendment has been moved that in part (a) for the words “to all ranks of the Police Department” the words “in all branches of the public services” be substituted, and that parts (b) and (c) be deleted.

The question is that in part (a) for the words “to all ranks of the Police Department” the words “in all branches of the public services” be substituted.

The question was put and agreed to.

The Hon'ble the President: The question is that part (b) form part of the resolution.

The question was put and negatived.

The Hon'ble the President: The question is that part (c) form part of the resolution.

The question was put and negatived.

The Hon'ble the President: The question is that the resolution as amended as follows be adopted :

“That this Council recommends to the Government that practical steps be taken to recruit the members of the depressed classes in all branches of the public services.”

The question was put and agreed to.

The Council was then adjourned at 4.40 p.m. till the following day.

LEGISLATIVE COUNCIL, UNITED PROVINCES OF AGRA AND OUDH

Saturday, 1st July, 1933

THE Council met at "Old Sherwood" (Government House grounds), Naini Tal, at 11 a.m. The Hon'ble Sir Sita Ram in the Chair.

PRESENT (65):

The Hon'ble Mr. E. A. H. Blunt.
The Hon'ble Kunwar Jagdish Prasad.
The Hon'ble Nawab Sir Muhammad Yusuf.
The Hon'ble Mr. J. P. Srivastava.
Mr. J. M. Olay.
Mr. J. L. Sathe
Mr. P. Mason.
Mr. P. M. Kharegat.
Mr. H. A. Lane.
Mr. J. J. W. Allsop.
Mr. A. H. Mackenzie.
Mr. H. J. Frampton.
Rai Bahadur Pandit Suraj Din Bajpai.
Rai Bahadur Babu Phul Chand Mogha.
Khan Bahadur Saiyid Ain-ud-din.
Saiyid Abdul Hasan.
Mr. Hari Kishen Mathur.
Mr. D. L. Drake-Brockman.
Mr. S. T. Hollins.
Mr. M. Masud Ali Khan.
Mrs. Kailash Srivastava.
Khan Bahadur Maulvi Fasih-ud-din.
Capt. K. O. Carleton.
Mr. E. Ahmad Shah.
Chaudhri Ram Dayal.
Chaudhri Baldeva.
Rai Sahib Sahu Jwala Saran Kothiwala.
Chaudhri Ram Chandra.
Chaudhri Ghasita.
Kunwar Girwar Singh.
Pandit Joti Prasad Upadhyaya.
Thakur Balwant Singh Gahlot.
Rai Bahadur Mr. Brij Lal Badhwar.
Rao Bahadur Kunwar Sardar Singh.
Mr. Brijnandan Lal.

Chaudhri Ram Adhin.
Chaudhri Bharos.
Pandit Shri Sadayatan Pande.
Rai Bahadur Babu Jagadeva Roy.
Rai Sahib Rajeshwari Prasad.
Thakur Giriraj Singh.
Pandit Prem Ballabh Belwal.
Thakur Jang Bahadur Singh Bisht.
Pandit Brahma Dutt *alias* Bhaiya Sahib.
Mr. O. Y. Chintamani.
Rai Rajeshwar Bali.
Syed Yusuf Ali.
Khan Bahadur Muhammad Maqsud Ali Khan.
Shah Nazar Hussain.
Captain Nawab Muhammad Jamshed Ali Khan.
Hafiz Muhammad Ibrahim.
Mr. Muhammad Rahmat Khan.
Khan Bahadur Haji Muhammad Obaidur Rahman Khan.
Khan Bahadur Muhammad Hadiyahar Khan.
Khan Bahadur Hafiz Hidayat Hussain.
Khan Bahadur Shaikh Ghulam Husain.
Khan Bahadur Saiyid Jafer Hosain.
Shaikh Afzal-ud-din Hyder.
Khan Bahadur Maulvi Muhammad Fazlur Rahman Khan.
Khan Bahadur Sirdar Muhammad Shakir-dad Khan.
Shaikh Muhammad Habibullah.
Rai Bahadur Kunwar Bisheshwar Dayal Seth.
Raja Jagannath Bakhsh Singh.
Rai Bahadur Babu Vikramajit Singh.

Munshi Gajadhar Prasad.

QUESTIONS AND ANSWERS

Saturday, 1st July, 1933

STARRED QUESTIONS

USAR LANDS

*1. **Rai Bahadur Babu Jagadeva Roy :** (a) Will the Government be pleased to state the total area of the United Provinces of Agra and Oudh which is lying as waste land (*usar*) ?

(b) What is its percentage when compared with the total area of the provinces under cultivation ?

(c) Has the Department of Agriculture, since its establishment, ever attempted to persuade the agriculturists to bring such lands under cultivation ? If so, how much has been brought under cultivation ?

(d) Will the Government consider the desirability of asking the Agricultural Department to pay special attention and energy for converting the waste land into cultivated lands in such proportion as to make the whole culturable in course of ten years ?

(e) Does the Agricultural Department propose to find out a way for converting at least one-quarter of the waste land into pasture land ?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava):
(a) 5,133,755 acres.

(b) 14.8 per cent.

(c) Yes ; no statistics of the areas actually reclaimed are available. The cost of reclamation was found in most cases to be incommensurate with the expenses entailed.

(d) and (e) No, in view of the results of such experiments in the past.

PUSA WHEAT

*2. **Rai Bahadur Babu Jagadeva Roy :** Will the Government be pleased to state if the Agricultural Department have made an experiment and come to the conclusion that the Pusa wheat Nos. 4 and 12 or any other number will prove useful for black soil which is not irrigated ? If not, will such an experiment be made and suitable recommendations made in this connexion ?

The Hon'ble the Minister for Education : Yes. Pusa wheats being bred for the Gangetic alluvium are not at their best on unirrigated black soils, though if water and manure are available, these wheats respond effectively. Other varieties are also under trial. The latter part of the question does not arise.

SELECTION OF CANDIDATES FOR ADMISSION INTO TRAINING COLLEGE

*3. **Rai Bahadur Babu Jagadeva Roy :** (a) Will the Government be pleased to state whether there are particular instructions given to the Principals of the various Training Colleges for making selection of candidates for admission in those colleges, or have the Principals been left to exercise their own discretion ?

QUESTIONS AND ANSWERS

(b) Have the selections for the next of the educational qualifications alone been given to the respectability, status, meritorious public services of the family?

The Hon'ble the Minister for Education: The Government are left to exercise their own discretion, but due weight to the claims of all common representation on the student body.

(b) Regard has been given to the fitness and also to others, e.g. fitness for the service.

TAX ON SALE OF TOBACCO

*4. **Mr. Brijnandan Lal:** Is it a question of levying a tax on tobacco in the sale?

The Hon'ble the Finance Member (Mr. Brijnandan Lal): The Government are investigating the possibility of levying a tax on tobacco.

Mr. Brijnandan Lal: Is the Government of sale of tobacco will reduce the demand?

The Hon'ble the President: This is a question for the Government.

Mr. C. Y. Chintamani: Will the Government have any tentative proposals on the subject?

on the basis of, or regard to, the family coupled with the status?

pals have been instructed to give special consideration to the backward classes.

the question.

Government?

nt): The Government are investigating the possibility of levying a tax on tobacco.

a tax on the sale of tobacco.

sed to state.

The Hon'ble the Finance Member : To the best of my knowledge all tobacco, except some smoking mixtures, is made of dried leaves.

Rai Bahadur Babu Vikramajit Singh : Will it not have a very wholesome effect in the shape of reducing the smoking?

The Hon'ble the President : This is an argument.

Mr. Brijnandan Lal : Is the Government aware that the tax will hit the agriculturists a great deal?

The Hon'ble the Finance Member : I do not quite see why it should hit the agriculturists, as it will not be imposed till the stage of sale.

Mr. Brijnandan Lal : By reducing the demand for it?

The Hon'ble the President : We are again drifting back into argument.

*5 to 9. **Thakur Jang Bahadur Singh Bisht :** [*Postponed at the request of Government.*]

*10. **Syed Yusuf Ali :** [*Withdrawn.*]

TRANSFER OF THE MUNSIF'S COURT FROM PHAPHUND TO ETAWAH

*11. **Pandit Joti Prasad Upadhyaya :** (a) Will the Government be pleased to state the grounds which necessitated the transfer of the Munsif's court from Phaphund to Etawah in 1932?

(b) Has the transfer of this court to Etawah been made permanently, or is it made only as a temporary measure?

(c) Are the litigants required to travel a longer distance for going to Etawah for looking after their cases in this court than they used to do when this court was located at Phaphund?

(d) Will the Government supply information in the case of the Munsif's court of Phaphund in the following tabular form :

Number of suits instituted since January 1933 till April 1933	Income from court-fee derived during the period in column 1	Number of suits instituted during the same period in 1932	Income from court-fee derived during the period in column 3

(e) Was the building at Phaphund inspected by an Engineer of the Public Works Department before the transfer of the court to Etawah?

(f) What was the report of the Engineer? Will the Government be pleased to lay a copy of it on the table?

(g) Was any memorial sent to the Government by the residents of the locality showing resentment against this transfer?

(h) Have the Government taken any action in the matter? Do the Government propose to transfer this court back to Phaphund?

The Hon'ble the Home Member (Kunwar Jagdish Prasad):

(a) Administrative convenience as well as economy.

(b) Permanently.

(c) Yes.

(d) The required information is given below :

Number of suits instituted since January 1933 till April 1933	Income from court-fees derived during the period in column 1	Number of suits instituted during the same period in 1932	Income from court-fees derived during the period in column 3
	Rs. a. p.		Rs. a. p.
343	9,763 11 0	418	9,833 8 0

(e) Yes.

(f) A copy of the report is laid on the table.

(See Appendix A, page 273.)

(g) Yes.

(h) The answer to both parts of the question is in the negative.

Pandit Joti Prasad Upadhyaya: With reference to question No. 11(f) I searched my table, but I did not find any copy of the report on my table.

The Hon'ble the Home Member : I will let him have a copy now.

Pandit Joti Prasad Upadhyaya: With reference to question No. 11(a) I would like to know what were the administrative convenience and economy which the Government had in view while ordering this transfer of the Munsif's court from Phaphund to Etawah?

The Hon'ble the Home Member : The Munsif's court was about seven miles from the Phaphund Railway Station, the Munsif had not a proper house, the work was not enough, and so on and so forth. All these matters were very carefully considered by the High Court and the initiative came from the Judges and the High Court.

Pandit Joti Prasad Upadhyaya: Did the Government consider before ordering this transfer that this place was the central place for the territorial jurisdiction of the Munsif?

The Hon'ble the Home Member : I think the High Court took every relevant fact into consideration before making a recommendation to the Government.

Pandit Joti Prasad Upadhyaya : Does the Hon'ble the Home Member only think, or is there any documentary evidence to show that this fact was taken into consideration?

The Hon'ble the Home Member : I have got a very fat file of documentary evidence.

Pandit Joti Prasad Upadhyaya : When was the memorial referred to in question No. 11(g) received by Government?

The Hon'ble the Home Member: One memorial was received before the Munsif's court was transferred. Several have been received since.

Rai Bahadur Babu Vikramajit Singh: Is it also a fact that the road between Debiapur and Phaphund is very bad and that it is almost impassable?

The Hon'ble the Home Member: It is very likely, Sir.

Khan Bahadur Hafiz Hidayat Husain: Did the Government consult the High Court in regard to the transfer of the Munsif's court to Etawah?

The Hon'ble the Home Member: The proposal came from the High Court.

Pandit Joti Prasad Upadhyaya: Will the Government be pleased to have any regard for the convenience of the people living in the locality and consider the question of re-transferring the Munsif's court to Phaphund or will they stick to their previous decision?

The Hon'ble the Home Member: It is not a question of sticking to previous decision. The transfer was ordered after very careful consideration, and I do not think that any new reasons have been advanced to reverse the previous order.

Pandit Joti Prasad Upadhyaya: I want to know whether there is a consensus of public opinion round about for the transfer of this court from Etawah back to Phaphund?

The Hon'ble the Home Member: Not as far as I know.

*12 and 13. **Rai Bahadur Bahu Vikramajit Singh:** [*Postponed at the request of Government.*]

*14. **Mr. Perma:** [*Withdrawn.*]

COPYISTS IN COLLECTORATES AND CIVIL COURTS

*15. **Mr. Brijnandan Lal:** (a) Is it a fact that the previous services as copyists of all those persons who were in service as judicial copyists in Civil Courts on 29th July, 1922, and were transferred to pensionable posts on or after that date, will count for pension?

(b) Is it a fact that the above rule does not apply to judicial copyists in the Collectorate?

(c) If the reply to question (b) above be in the affirmative, will the Government consider the desirability of placing the judicial copyists in Civil Courts and the Collectorate on the same level so far as eligibility for pension is concerned?

The Hon'ble the Finance Member: (a) Yes, subject to the condition that the pension does not exceed Rs.50 per mensem.

(b) Yes.

(c) The point has already been brought to the notice of Government and is being examined.

Mr. Brijnandan Lal: Will the Government consider the matter favourably?

The Hon'ble the Finance Member : That is a matter of opinion. First give us a chance of considering.

*16. **Mr. Brijnandan Lal :** [*Postponed at the request of Government.*]

UNSTARRED QUESTIONS

TARRING OF A PORTION OF ALMORA-RANIKHET ROAD

1. **Thakur Jang Bahadur Singh Bisht :** (a) Is the Government aware that the Municipal Board of Almora, by its resolution No. 9 of 11th February, 1930, passed that to overcome the dust nuisance, the portion of the Almora-Ranikhet Road be tarred between Laxmeshwar toll bar and Messrs. L. R. Sah and Brothers' shop?

(b) Is it a fact that the cost of tarring the said portion of the road was included in the estimate of the programme of re-construction to be done from the proceeds of the petrol tax?

(c) Is it a fact that the Public Works Department now insists on payment of Rs.9,700 by the Municipal Board and Cantonment as a condition precedent to its undertaking the work from Laxmeshwar to be Brighton Corner?

(d) If so, is it under the instructions from the Government?

(e) Is the Government aware that this portion of the road, like the rest of it, is a Provincial Road?

(f) Is the Government aware that the Public Works Department has now decided to begin work from mile No. 2 towards Ranikhet, instead of from mile No. 1 towards Almora?

(g) Do Government intend to order the Public Works Department to begin and finish the work within the limits of Almora Municipality covering a distance of a little over a mile, instead of beginning the work from mile No. 2 towards Ranikhet?

(h) Is the Government aware of the fact that the Municipal Board has agreed to give Rs.1,500 towards the tarring of the road between Laxmeshwar and Brighton Corner, provided the Public Works Department begin and finish the work this year?

The Hon'ble the Minister for Local Self-Government (Nawab Sir Muhammad Yusuf) : (a) Yes.

(b) Yes.

(c) No.

(d) Does not arise.

(e) Yes.

(f) Yes.

(g) Miles which are in bad condition are consolidated in preference to those miles which are in a better condition. Mile 2 and other miles down from Almora are in deplorable condition, far worse than mile 1. Their renewal has, therefore, been considered more urgent than that of mile 1 of the Almora-Ranikhet Road. Government will consider the question of painting the portion of the road within the

municipal limits of Almora when the question of the renewal of its surface coat arises.

(h) The Municipal Board of Almora had had correspondence with the Executive Engineer, Kumaun Division, placing at his disposal a sum of Rs.1,500. But as this sum was totally insufficient to meet the cost of metalling and painting the portion of the road from Laxmeshwar to Messrs. L. R. Sah's shop he did not agree to accept the amount.

APPOINTMENT OF RELATIONS OF DESERVING GOVERNMENT OFFICIALS

2. **Khan Bahadur Muhammad Hadiyar Khan:** With reference to the reply given on 14th June, 1932, to starred questions Nos. 80 and 81, will the Government be pleased to state whether the same principles have been adhered to in recognizing the long and meritorious services of the non-gazetted ministerial officers of the Revenue Department? If so, will the Government be pleased to lay on the table a statement showing the names of sons and relations of such officers who have been provided only on the basis of such services with full details?

Mr. H. A. Lane: There is no definite rule on the point, but in actual practice appointments have been given in some cases to relations of deserving officials. Government do not propose to collect the information from all over the province owing to the labour and the amount of work involved, but if the honourable member indicates any particular office or offices and the period for which details are required, an inquiry will be made.

3. **Khan Bahadur Muhammad Hadiyar Khan:** [*Postponed at the request of Government.*]

4 and 5. **Chaudhri Bharos:** [*Withdrawn.*]

RESTRICTION IMPOSED ON THE DISCUSSION OF THE RESOLUTION re TRANSFER OF THE TEMPLE AT BADRINATH

The Hon'ble the President: His Excellency the Governor has decided that the resolution* regarding Badrinath temple, which might have come up for discussion today, is within the restrictions imposed by sub-rule (1) of rule 23 and, therefore, there being no business before the House today, the Council is adjourned till Monday next.

The Council was then adjourned at 11.15 a.m. till Monday, the 3rd July, 1933.

*That this Council recommends to the Government to appoint a committee of members of the United Provinces Legislative Council and outsiders professing Hindu Sanatan Dharma to report on the question of the transfer of territorial jurisdiction of Badrinath temple to the Tehri State and to take action in the matter only after the report of the committee has been discussed and adopted by the Council.

APPENDIX A

(See page 268 supra)

[Report referred to in answer to part (f) of starred question No. 11 for July 1, 1933, asked by Pandit Joti Prasad Upadhyaya Sahib]

Report of the condition and safety of the building of Munsif's Court at Phaphund by RAI SAHIB LALA RAM PRASAD, Assistant Engineer, Public Works Department, Cawnpore

I inspected the above building on 10th April, 1930. The structure is sound and safe. Only the plaster here and there, particularly of the soffits of the roof arches, is crumbling and may be renewed. A special grant of a couple of hundred rupees should bring up the building to quite good condition.

A portion, however, of the building which has been improvised into Munsif's quarters is certainly not fit for the purpose, because it is so inadequate. It is not properly ventilated, and consists of one living room only, which has to be used as a bed, dressing, dining and stores of every one of the family, including the Munsif himself. The verandah in front has been shut up partly for kitchen and so for the exit of the light and air there is one door left only in the one living room. The conditions are positively unhealthy. The quarters need badly to be improved and enlarged as soon as possible, unless it is contemplated to build proper new quarters without delay.

LEGISLATIVE COUNCIL UNITED PROVINCES OF AGRA AND OUDH

Monday, the 3rd July, 1933

THE Council met at "Old Sherwood" (Government House grounds), Naini Tal, at 11 a.m. The Hon'ble Sir Sita Ram in the Chair.

PRESENT (84):

<p>The Hon'ble Mr. E. A. H. Blunt. The Hon'ble Kunwar Jagdish Prasad. The Hon'ble Nawab Sir Muhammad Yusuf. The Hon'ble Mr. J. P. Srivastava. Mr. J. M. Clay. Mr. J. N. L. Sathe. Mr. P. Mason. Mr. P. M. Kharegat. Mr. H. A. Lane. Mr. J. J. W. Allsop. Mr. A. H. Mackenzie. Mr. H. J. Frampton. Rai Bahadur Pandit Suraj Din Bajpai. Rai Bahadur Babu Phul Chand Mogha. Khan Bahadur Saiyid Ain-ud-din. Saiyid Abdul Hasan. Mr. Hari Kishen Mathur. Mr. D. L. Drake-Brockman. Mr. S. T. Hollins. Mr. M. Masud Ali Khan. Mrs. Kailash Srivastava. Khan Bahadur Maulvi Fasih-ud-din. Capt. K. O. Carleton. Mr. E. Ahmad Shah. Rai Sahib Babu Rama Charana. Mr. Perma. Rai Bahadur Babu Awadh Bihari Lal. Chaudhri Ram Dayal. Chaudhri Jagarnath. Chaudhri Baldeva. Rai Sahib Sahu Jwala Saran Kothiwal. Mr. Tappu Ram. Chaudhri Ram Chandra. Chaudhri Ghasita. Chaudhri Arjun Singh. Rao Bahadur Thakur Pratap Bhan Singh. Rao Bahadur Thakur Bikram Singh. Chaudhri Dhirya Singh. Rai Sahib Kunwar Dhakan Lal. Rai Bahadur Mr. Brij Lal Badhwar. Rao Bahadur Kunwar Sardar Singh. Babu Ram Bahadur Saksena. Kunwar Girwar Singh. Pandit Joti Prasad Upadhyaya. Babu Kamta Nath Saksena.</p>	<p>Kunwar Jagbhan Singh. Mr. Brijnandan Lal. Rao Narsingh Rao. Chaudhri Ram Adhin. Mr. Bhondu Ram. Chaudhri Bharos. Pandit Shri Sadayatan Pande. Rai Bahadur Babu Jagadeva Roy. Rai Sahib Rajeshwari Prasad. Rai Bahadur Thakur Shiva Pati Singh. Thakur Giriraj Singh. Pandit Prem Ballabh Belwal. Thakur Jang Bahadur Singh Bisht. Pandit Brahma Dutt <i>alias</i> Bhaiya Sahib. Raja Birendra Bikram Singh. Rai Bahadur Kunwar Surendra Pratap Sahi. Mr. C. Y. Chintamani. Rai Rajeshwar Bali. Mr. Zahur Ahmad. Sred Ali Zaheer. Khan Bahadur Mr. Muhammad Abdul Bari. Khan Bahadur Muhammad Maqsud Ali Khan. Shah Nazar Husain. Captain Nawab Muhammad Jamshed Ali Khan. Mr. Muhammad Rahmat Khan. Khan Bahadur Haji Muhammad Obaidur Rahman Khan. Khan Bahadur Muhammad Hadiyar Khan. Khan Bahadur Hafiz Hidayat Husain. Khan Bahadur Maulvi Saiyid Habibullah. Khan Bahadur Saiyid Zahid Ali Sabzposh. Shaikh Afzal-ud-din Hyder. Khan Bahadur Sirdar Muhammad Shakir dad Khan. Khan Sahib Muhammad Imtiaz Ahmad. Shaikh Muhammad Habibullah. Chaudhri Muhammad Ali. Rai Bahadur Kunwar Bisheshwar Dayal Seth. Raja Jagannath Bakhish Singh. Rai Bahadur Babu Vikramajit Singh. Munshi Gajadhar Prasad.</p>
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STARRED QUESTIONS

ILL-TREATMENT OF POLITICAL PRISONERS IN RAE BARELI DISTRICT JAIL
AND BENARES WOMEN'S JAIL

*1. **Mr. C. Y. Chintamani:** Will the Hon'ble the Home Member be pleased to state if there have been any complaints of ill-treatment of political prisoners from the Rae Bareli District Jail or the Benares Women's Jail, from how many prisoners, what is the nature of the complaints, and what remedial measures have been adopted?

The Hon'ble the Home Member (Kunwar Jagdish Prasad): As regards the Rae Bareli jail, I visited the jail on 15th May, 1933. Remedial action has been taken where necessary.

As regards the Benares Women's Jail, it has no longer any woman convicted of offences arising out of the civil disobedience movement.

REPRESENTATION FROM THE MEERUT CONSPIRACY CASE PRISONERS

*2. **Mr. C. Y. Chintamani:** Has a representation been received by the Government or the head of the department from or on behalf of the Meerut conspiracy case prisoners lodged in the Central Jail at Naini, whose appeals are before the High Court, (i) for permission to sleep in the open yard in this hot weather and (ii) for the supply of at least one daily newspaper and of some magazines in their own languages? Has the representation been considered? What orders have been passed thereon?

The Hon'ble the Home Member: The Government received representations on behalf of the Meerut Conspiracy prisoners that they should be allowed to sleep in the open yard in the hot weather and that they should be supplied with certain newspapers. The Government issued instructions in accordance with the rules that prisoners might be allowed to sleep in the open yard if the Superintendent for medical reasons thought that this was desirable. The rules do not allow the supply of daily newspapers but on the representation of the prisoners that the weekly papers supplied were unsuitable the Government issued instructions that two prisoners who knew no language except Marathi should be supplied with one of the papers for which one of them had asked and that the others who knew English might receive the bi-weekly edition of the *Leader* or if they desired a paper published in England, the weekly edition of the *London Times*.

Mr. C. Y. Chintamani: Will the Hon'ble the Home Member state whether Jail rules in this province on the subject of supply of daily newspapers are the same as in other provinces? Is it a fact that in some provinces daily newspapers are allowed?

The Hon'ble the Home Member: I am afraid, Sir, I have not this information, but I shall make inquiries.

Mr. C. Y. Chintamani: Is the Hon'ble the Home Member aware that last year or about that time it was stated that certain "A" class prisoners were allowed to get *Pioneer* at their own expense? May I know why they were not allowed to get any other daily newspaper?—

The Hon'ble the Home Member: I am afraid I have no information about it.

Mr. C. Y. Chintamani : Will the Hon'ble the Home Member kindly inquire?

The Hon'ble the Home Member : Yes.

Mr. C. Y. Chintamani : What is the Government's objection to permission being accorded to A and B class prisoners to be supplied with daily newspapers at their own expense and not at the expense of the State?

The Hon'ble the Home Member : I shall have to look into the whole question. I am not in a position to say for what reason this rule is in existence. I shall have to make inquiries from other Governments and find out why such a decision has been arrived at by this Government.

Mr. C. Y. Chintamani : Am I to understand that the Hon'ble the Home Member promises to make inquiries?

The Hon'ble the Home Member : Yes.

APPOINTMENT OF CHIEF INSPECTRESS OF GIRLS' SCHOOLS

*3. **Mr. C. Y. Chintamani :** Will the Hon'ble Minister of Education state on what principle the appointment of Chief Inspectress of Girls' Schools is made and on what ground seniority is or is proposed to be ignored?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava) : The permanent appointment will be made, after advertisement, on grounds of qualifications for the post, seniority in the case of officers at present in the service of Government being considered in cases of equal merit. There is no proposal to ignore seniority.

Mr. C. Y. Chintamani : Has a temporary appointment been made?

The Hon'ble the Minister for Education : Yes.

Mr. C. Y. Chintamani : Will the Hon'ble the Minister kindly state who has been appointed?

The Hon'ble the Minister for Education : Miss Williams.

Mr. C. Y. Chintamani : Is she the seniormost officer?

The Hon'ble the Minister for Education : No.

Mr. C. Y. Chintamani : Who are the senior officers who have been superseded by this temporary appointment?

The Hon'ble the Minister for Education : Names are given in the Civil List.

Mr. C. Y. Chintamani : Is Miss Ram one of them?

The Hon'ble the Minister for Education : Yes.

Mr. C. Y. Chintamani : Has she put in 23 years' service?

The Hon'ble the Minister for Education : I do not remember how many years of service she has put in.

Mr. C. Y. Chintamani : Has Miss Williams put in only 14 years' service?

The Hon'ble the Minister for Education : I cannot say without looking into the Civil List.

Mr. C. Y. Chintamani: Taking into consideration the record of service, is the Hon'ble Minister justified in ignoring a lady having 23 years' service in favour of the one who has put in only 14 years' service?

The Hon'ble the Minister for Education: The appointment has been given to the most suitable candidate having regard to seniority.

Mr. C. Y. Chintamani: Government have made up their minds between these two servants of theirs, one of 23 years' standing and the other with 14 years' service, that the one with 14 years' service is on the ground of her merits superior to the officer with 23 years' service?

The Hon'ble the Minister for Education: The honourable member can draw his own conclusions.

Mr. C. Y. Chintamani: By the action Government have taken they have prejudiced the case of the senior officer with regard to Government's view of her qualifications?

The Hon'ble the President: I am afraid that is a matter of inference or argument.

EDUCATION AMONG DEPRESSED CLASSES

*4. **Mr. C. Y. Chintamani:** Will the Hon'ble Minister of Education state what special attention has been bestowed during the last twelve months on the subject of education of adults, boys and girls belonging to the depressed classes? How many new schools have been opened? How many of them are Government, how many district and municipal boards, and how many private schools, aided and unaided? How many scholarships have been awarded by Government and by local bodies? What grants have been made to private bodies by the Government and by district and municipal boards?

The Hon'ble the Minister for Education: A statement and note giving information as far as it is available is placed on the table of the honourable member.

(See Appendices A and B, pages 341 and 342.)

BAR ON KHADI DRESS

*5. **Mr. C. Y. Chintamani:** (a) Has the letter addressed to the District Magistrate of Hamirpur on 7th June, by Mr. Kashi Prasad of 112 Malaka North, Allahabad, been brought to the notice of the Hon'ble the Home Member?

(b) What action, if any, has been taken on the complaint related in that letter by the Superintendent of Police or the District Magistrate or the Government?

(c) Do Government consider the advisability of issuing instructions to officers and men concerned not to molest innocent people on account of their dress?

The Hon'ble the Home Member: (a), (b) and (c). The letter in question has only recently come to my notice and an inquiry is being made into the allegations contained in it.

Mr. C. Y. Chintamani: Will the Hon'ble the Home Member consider the advisability in view of the periodical complaints on this score to issue general instructions on the subject?

The Hon'ble the Home Member: I think only two cases have come to my notice. If I find that the facts are as stated, certainly we will issue instructions, but at present I am not quite certain what the facts are.

TRANSFER OF GIRLS' EDUCATION FROM LOCAL BODIES TO GOVERNMENT

*6. **Mr. C. Y. Chintamani:** (a) At what stage is the proposal of Government taking over girls' education from local bodies?

(b) Will Government lay on the table copies of opinions on the proposal submitted by local bodies themselves or by associations or individuals interested in the subject?

(c) What is the cost per head of instruction in girls' schools maintained or aided by local bodies and in those maintained by the Government?

(d) Have Government considered that the progress of girls' education may be retarded by an increase of its cost?

(e) What are Government's intentions with regard to the proposal?

The Hon'ble the Minister for Education: (a) Government have invited the opinions of local bodies.

(b) If Government decide to take any action on the proposal, they will lay on the table a summary of the opinions.

(c) In schools maintained by—

Government	...	...	Rs.28'3 per annum.
In aided schools	...	...	Rs.26'3 ,,
In schools maintained by—			
Local bodies	...	...	Rs.10'5 ,,

(d) Yes, but quality has to be taken into consideration.

(e) To examine the opinions expressed by local bodies, associations and individuals interested in the matter.

Mr. C. Y. Chintamani: With reference to clause (b) of the question—whatever action Government may decide to take or not to take, will the Hon'ble Minister be pleased to lay on the table a summary of the opinions of the local bodies on this subject?

The Hon'ble the Minister for Education: Yes.

Mr. C. Y. Chintamani: Will the Hon'ble Minister state the reason for the striking disparity of cost per head between aided schools on one side and schools maintained by local bodies on the other?

The Hon'ble the Minister for Education: The schools maintained by local bodies are mainly preparatory schools and so the cost per head is naturally smaller.

Mr. C. Y. Chintamani: Is the case of the two types of schools not comparable?

The Hon'ble the Minister for Education: Not strictly comparable.

Mr. C. Y. Chintamani: As these figures are not for comparable schools the statement that has to be taken into consideration has no special application to the schools maintained by local bodies?

The Hon'ble the Minister for Education: That answer is with reference to the question here.

**ARRESTS IN FATEHPUR DISTRICT IN CONNEXION WITH CIVIL
DISOBEDIENCE MOVEMENT**

***7. Mr. Bhonduram (absent):** (a) Will the Government be pleased to state how many persons were arrested and convicted in Fatehpur District in connexion with the civil disobedience movement in 1932?

(b) Will the Government be pleased to state how many of the civil disobedience prisoners were placed in "A", "B" and "C" classes?

(c) Will the Government be pleased to state how many civil disobedience prisoners were fined in Fatehpur? And how much of it was realized?

The Hon'ble the Home Member: (a) Government has not been able to ascertain how many persons were arrested in the Fatehpur District but the number convicted was 570.

(b) Class A	...	...	...	...	Nil.
Class B	...	...	...	...	4
Class C	...	...	...	...	566

(c) 346. Amount of fine realized was Rs.3,589-5..

***8—10. Mr. Bhonduram (absent):** [Postponed at the request of Government.]

PERFORMANCE OF "HAVAN" IN JAILS

***11. Mr. Bhonduram (absent):** (a) Is it a fact that one Srimati Chameli Devi went on hunger-strike in Saharanpur Jail for not being allowed to perform her daily religious *havan*?

(b) Is it a fact that meetings throughout the province were held by the Arya Samajists and resolutions were passed urging on the Government to allow the Arya Samajists to perform *Havan* in jail?

(c) Is it the intention of the Government to allow the Arya Samajists to perform *Havan* in jail? If not, why?

The Hon'ble the Home Member: (a) and (b) Yes.

(c) The question is under consideration.

A BOOK AGAINST ARYA SAMAJ

***12. Mr. Bhonduram (absent):** (a) Has the attention of the Government been drawn to the booklet entitled "Swami Dayanand aur Arya Samajion ka Hindu Dharm ke sath vishwasghat" in Hindi written by one Tahalram Girdharidass Samant and published by Brahmdes Shastri at the Brahma Press, Etawah, in 1931?

(b) Is it the intention of the Government to prosecute the publisher and the author and to proscribe the booklet?

The Hon'ble the Home Member: (a) No.

(b) Does not arise.

***13 and 14. Babu Kamta Nath Saksena:** [Postponed at the request of Government.]

RAJA SAHIB OF RAMPURA, JALAUN DISTRICT

***15. Babu Kamta Nath Saksena:** (a) Who is the tutor-guardian of the Raja Sahib of Rampura, a estate in the Jalaun District which is under the superintendence of the Court of Wards?

(b) Will the Government be pleased to state what amount of money was spent by the Court of Wards over the education and maintenance of the Raja Sahib of Rampura at Lucknow during the last financial year?

(c) How much out of the above amount was spent in the pay, allowances and maintenance of this tutor-guardian?

(d) In what class is the said Raja Sahib of Rampura reading and what is his age?

(e) Was he sent up for the examination last time?

(f) If so, what was the result of his examination?

(g) If not, why was he not sent up for the examination?

(h) Did this tutor-guardian of Rampura make any purchases during the last financial year on behalf of the Raja Sahib or the Court of Wards?

(i) If so, of what amount and under whose authority?

(j) Is it a fact that this tutor-guardian is living with his family in the same house in which Raja Sahib of Rampura and his wife live at Lucknow?

(k) Who are the other members of this tutor-guardian's family who live in the same house with him?

(l) Did some near relatives of the said Raja Sahib object to the residence of this tutor-guardian in the same house with the said Raja Sahib? If so, with what result?

The Hon'ble the Finance Member (Mr. E. A. H. Blunt): (a) Mr. B. N. R. Vaughan, B.A.

(b) Rupees 21,704 during the last revenue year.

(c) Rupees 7,650 during the last revenue year.

(d) The Raja is in class X of the Colvin Taluqdars' School, Lucknow. His age on June 1, 1933, was 18 years and 8 months.

(e), (f) and (g) He did not appear in the last examinations held in April as owing to his marriage in February he was unable to prepare for these examinations.

(h) Yes.

(i) The tutor-guardian bought furniture for "Pilgrim Lodge," the Naini Tal house belonging to the estate, to the value of Rs.1,688 under the orders of the Collector on behalf of the Court of Wards.

(j) Yes, in accordance with the agreement under which he is serving.

(k) The tutor-guardian has a wife and two children. Both the children are at school, one goes to school daily and lives at home but the other is a boarder and only comes to the house during the school holidays.

(l) Government have no knowledge that any near relative of the Raja objected to the residence of this tutor-guardian in the same house with the Raja Sahib.

Mr. Kamta Nath Saksena : For what period was the ward absent?

The Hon'ble the Finance Member : I must ask for notice. I do not know how long.

Mr. C. Y. Chintamani : With reference to answer to clause (j) in the execution of the agreement were the wishes of the natural guardians of the ward consulted?

The Hon'ble the Finance Member : Yes.

Pandit Joti Prasad Upadhyaya : What are the qualifications of the ward's guardian?

The Hon'ble the President : They are stated in 15(a).

TRANSFER OF OFFICERS TO THE PROVINCIAL PUBLIC HEALTH SERVICE

*16. **Pandit Brahma Datt alias Bhaiya Sahib (absent) :** (a) Will the Government be pleased to state the number of officers of the Provincial Public Health Service who have not been transferred ever since the institution of this Service?

(b) Will the Government consider the advisability of transferring all officers who have been more than five years in one place?

The Hon'ble the Minister for Local Self-Government (Nawab Sir Muhammad Yusuf) : (a) There are 23 officers who have not been transferred since obtaining their first permanent appointments in the Provincial Public Health Service.

(b) Yes. A proposal to this end from the Director of Public Health is already under the consideration of Government.

PAHU ESTATE IN RAE BARELI DISTRICT

*17. **Rai Bahadur Lal Sheo Partap Singh (absent) :** (a) Will the Government be pleased to state when was the Pahu estate in District Rae Bareli taken under the management of the Court of Wards and what steps have been taken by the Court of Wards to clear off the debt since its assumption of charge?

(b) Will the Government be pleased to place on the table figures of the total gross rental, the revenue and the outstanding debt of the said Pahu estate?

(c) Will the Government please state what monthly allowances are given to the ward and to other members of his family?

(d) What was the total amount of the debt at the time the estate came under the Court of Wards' management and is it a fact that the Court of Wards could not even pay the interest accruing annually?

(e) Is it a fact that Government intend to release this estate? If so, on what grounds and when?

The Hon'ble the Finance Member : (a) The Court of Wards assumed management of the Pahu estate, Rae Bareli, on 18th March, 1932.

The Board when considering the case of this estate were very doubtful about being able to liquidate the debt within a reasonable time as the salvation of a substantial part of the estate depended entirely on sales taking place early and at that time it was impossible to sell any property in Rae Bareli. They, however, referred the case to the Court of Wards Central Advisory Committee for their opinion and the advice given was that the Court of Wards should certainly make an effort to save at least part of the estate. The Board accepted this advice and the estate was taken over. During the time the estate has been under the Court of Wards the most vigorous efforts have been made to sell property without, unfortunately as was feared, any result, and it is still impossible to sell any property for reasonable prices in Rae Bareli. However, the Deputy Commissioner has been directed to continue his efforts and to report the result by the end of August so that the case of the retention or release of this estate may be considered again in a meeting of the Court of Wards Central Advisory Committee to be held in September next.

(b)

		Land revenue	
Recorded rent	Rental and Sayar after excluding remissions	Recorded	After excluding remissions
Rs.	Rs.	Rs.	Rs.
77,134	56,070	36,128	27,788
Rents ..	54,870		
Sayar ..	1,200		

Outstanding debt—

Rupees 2,93,400 of which a sum of Rs.80,750 carries no interest.

(c) The monthly allowances to the ward and other members of his family are given below :

	Rs.
(1) Ward	250 per mensem.
(2) Ward's son and his son's wife ..	150 „

The following subsistence allowances have been sanctioned to the collateral relatives of the present Taluqdar :

	Rs.
(1) Thakur Mahadeo Bakhsh Singh ..	30 per mensem.
(2) Thakur Bindeshwari Bakhsh Singh	10 „
(3) Widow of Thakur Udit Narain Singh.	
(4) Thakur Ram Raj Singh ..	
(5) Thakur Sitla Bakhsh Singh ..	10 „
(6) Thakur Baldeo Bakhsh Singh ..	10 „

(d) The total amount of the debt when the estate was taken over by the Court of Wards was Rs.2,87,297. It is correct that the Court of Wards cannot pay the annual interest in full from the surplus of the

estate because as explained in the answer to (a) on previous page it is not possible to liquidate the debt of this estate without extensive sales which are unfortunately not possible at present in Rae Bareilly.

(e) There is no proposal at present to release this estate, but, if it is found that it is impossible to sell the property of this estate for reasonable prices fairly soon and at least before the end of May, 1934, when the reduced rate of interest of 6 per cent. fixed under section 19(4) of the Court of Wards Act ceases to operate and the interest reverts to the contractual rates of 6 to 24 per cent. it will be necessary to release this estate. Government, however, do not intend to come to a decision about the question of the retention or release of this estate until the Board have consulted, as stated above, the Court of Wards Central Advisory Committee in the meeting to be held in September next.

POLITICAL PRISONERS IN BENARES JAIL

***18. Chaudhri Baldeva:** Will the Government be pleased—

(i) to state what is the exact condition of the Shrimati Suvarnabala Devi, a "C" class political prisoner in the Benares Women's Jail;

(ii) to state whether it is a fact that Dr. Thangamma, has reported that she is suffering from phthisis;

(iii) to lay a copy of the report of Dr. Thangamma on the table;

(iv) to consider the desirability of releasing Shrimati Suvarnabala Devi in view of her condition?

The Hon'ble the Home Member: As Shrimati Suvarna Bala Devi was released early in June the Government presume that the honourable member no longer requires the other information asked for.

***19. Chaudhri Baldeva:** (a) Will the Government be pleased to state—

(i) if Shrimati Sarojini Sinha, a "C" class political prisoner in the Benares Women's Jail, went on hunger-strike? If so, for how many days was she on such strike;

(ii) what care was taken of her, if at all, during this period;

(iii) whether it is a fact that she was asked to do water lifting work;

(iv) if it is a fact that she expressed her inability to do this work owing to her extremely weak health; was she given separate confinement as a punishment for the alleged refusal to work;

(v) if she went on hunger-strike because of this;

(vi) if they are prepared to exempt her from such heavy work?

(b) Will a copy of the report of Dr. Thangamma lady visitor of the jail on her condition be laid on the table?

The Hon'ble the Home Member: Shrimati Sarojini Sinha has been released. The Government presumes that the honourable member in these circumstances does not require the further information.

***20. Chaudhri Baldeva:** (a) Will the Government be pleased to state if it is a fact that a number of complaints against the administration of the Benares jail has reached them? Are they prepared to

institute enquiries into the conduct of the jail officials and jail conditions there through a commission of inquiry?

(b) Will the Government be pleased to consider the desirability of permitting small hand fans at night to all prisoners at their expense during the summer months?

The Hon'ble the Home Member: (a) Presumably the honourable member's question refers to the Women's Jail at Benares. He is referred to the answer given to starred question no. 1 of today's date.

(b) Pankhas are provided when considered necessary by the medical officer under the provisions of paragraph 818 of the Jail Manual.

ENGLISH TEACHERS IN VERNACULAR MIDDLE SCHOOLS

***21. Chaudhri Baldeva:** Will the Government be pleased to state—

(a) Whether it is a fact that the Inspectors' Conference made certain recommendations regarding the future prospects of the English teachers in the vernacular middle schools some six years ago? If so, what action has been taken or is intended to be taken and when?

(b) Has the Education Department ever realized the difficulties of these teachers in town schools. If so, what remedies have been provided to remove their difficulties and to obtain trained teachers?

(c) Is it a fact that the English teachers of town schools serving before January 1, 1929, are not granted A. T. C. like the teachers of anglo-vernacular schools? If so, why are these men deprived of this concession?

The Hon'ble the Minister for Education: (a) and (b) The Inspectors' Conference in June 1928 made recommendations to improve the pay and prospects of English teachers in Vernacular Middle Schools. Government on account of lack of funds have been unable to accept the recommendations.

(c) Yes. The conditions under which the Acting Teacher's Certificate is granted do not apply to Vernacular Middle Schools.

***22. Rai Bahadur Thakur Hanuman Singh (absent):** [*Postponed at the request of Government.*]

SESSIONS JUDGE, KUMAUN

***23. Rai Bahdur Thakur Hanuman Singh (absent):** (a) What has been the duration of the stay of the Sessions Judge, Kumaun, at Naini Tal in the years 1931 and 1932 and till May, 1933?

(b) What was the amount of travelling allowance and halting allowance drawn by the Sessions Judge in 1931, 1932 and till May, 1933?

(c) Has this Sessions Judge to travel to Kotdwara via Moradabad and Najibabad? Why has it been considered necessary to depute this Sessions Judge to Kotdwara instead of the Sessions Judge of Moradabad, Bijnor or Saharanpur?

(d) Is it a fact that the Sessions Judge at Naini Tal has an additional hand also?

(e) Was there an additional judge throughout 1931, 1932, and till May, 1933? If not, for how long in this period?

(f) What was the amount of travelling allowance and halting allowance drawn by him in 1931, 1932 and till May, 1933?

The Hon'ble the Home Member: (a) The duration of the stay of the Sessions Judge, Kumaun, at Naini Tal has been 147 days in 1931, 202 days in 1932, and 69 days till May 1933.

(b) The amount of travelling allowance and halting allowance drawn by the Sessions Judge was Rs.2,763-11 in 1931, Rs.1,709-13 in 1932 and Rs.1,112-13 till May 1933.

(c) Yes. Because Kotdwara lies within the Kumaun Judgeship.

(d) Yes, there is a temporary Additional Judge for four months at present.

(e) In 1931 there was no Additional Judge. In 1932 there was one for four months from May to August and in 1933 there is an Additional Judge at present for four months from March 15.

(f) The amount of travelling allowance and halting allowance drawn by him was Rs.812-4 in 1932 and Rs.448-3 till May, 1933.

PETITION FROM CERTAIN APPRENTICES OF THE COLLECTORATE OF BASTI

*24. **Rai Sahib Rai Rajeshwari Prasad:** (a) Have Government received any petition from certain apprentices on an approved list of candidates for non-pensionable posts in the collectorate of Basti regarding their supersession?

(b) Is it a fact that some junior apprentices on the list named above worked as temporary hands for a year or so in the Settlement Department?

(c) Is it a fact that under Government orders the apprentices mentioned in question above have been given preference in the matter of permanent as well as temporary appointments over other senior apprentices on the same list? If so, why?

(d) What steps, if any, have Government taken in connexion with the representation addressed to it about this matter?

The Hon'ble the Finance Member: (a) Yes.

(b) and (c) The petitioners have stated that some apprentices who were junior to them in the list have worked as temporary hands in settlement office but have not mentioned their names. Government are unable to verify this statement on the basis of the information available at present.

(d) The representation is being examined by Government.

Rai Sahib Rai Rajeshwari Prasad: Have the Government sent for the names?

The Hon'ble the Finance Member: Well, at the present moment the Government have practically done nothing. The question arrived almost as soon as the petition did.

Rai Sahib Rai Rajeshwari Prasad: Will the Government send for the names now?

The Hon'ble the Finance Member: We will examine the petition and if it is necessary to send for the names we shall certainly do so.

Rai Sahib Rai Rajeshwari Prasad: Is it a fact that the petitioners were superseded under the orders of Government?

The Hon'ble the Finance Member: I really cannot say that. We have not yet examined the petition. My knowledge is very much more vague than that of the honourable member.

*25 & 26. **Rai Sahib Rai Rajeshwari Prasad:** [*Postponed at the request of Government.*]

CERTAIN POLITICAL PRISONERS IN FYZABAD JAIL

*27. **Rai Sahib Rai Rajeshwari Prasad:** Is it a fact that the following "B class prisoners confined in the Fyzabad jail are too ill to be kept in jail? What is their present condition of health:

(1) Chhail Bihari Kantak of Cawnpore.

(2) Algu Rai Shastri of Meerut, and

(3) Chaudhri Bihari Lal of Dehra Dun?

The Hon'ble the Home Member: Chhail Bihari Kantak and Algu Rai Shastri have been released. Chaudhri Bihari Lal has recently had two attacks of asthma and is in somewhat indifferent health. He is now in Almora jail.

HOUSES BELONGING TO UNLAWFUL ASSOCIATIONS

*28. **Rai Sahib Rai Rajeshwari Prasad:** Will Government please state as to how many houses belonging to unlawful associations have been taken possession of in the District of Gorakhpur by the Government? How many of them have been returned?

The Hon'ble the Finance Member: (a) Six.

(b) These buildings have presumably been returned to their owners, as the Unlawful Association Ordinance under which possession was taken of them expired in July 1932. But Government is inquiring into this point.

Rai Sahib Rai Rajeshwari Prasad: Sir, is the Government sure that all the buildings have been returned?

The Hon'ble the Finance Member: The reply says "presumably so".

Rai Sahib Rai Rajeshwari Prasad: Will the Government make sure now that all the buildings have been returned?

The Hon'ble the Finance Member: Reply says "Government is inquiring into the point."

Rai Sahib Rai Rajeshwari Prasad: During the period of occupation by Government of these buildings was any care taken to see that the buildings are kept in proper repair?

The Hon'ble the Finance Member: That is a point into which Government will have to inquire.

Rai Sahib Rai Rajeshwari Prasad: At the time of returning these buildings was any care taken to see that these buildings are returned to the bodies to which they belong?

The Hon'ble the Finance Member: I have said that they presumably have been returned.

Rai Sahib Rai Rajeshwari Prasad: Will Government see now that they are actually handed over to those bodies to which they belong?

The Hon'ble the Finance Member: Reply says that Government will inquire into the point.

RETRENCHMENT IN GOVERNMENT PRESS, ALLAHABAD

*29. **Rai Sahib Rai Rajeshwari Prasad:** (a) Is it a fact that about 28 Allahabad Government Press employees have been retrenched in or about the month of April 1933?

(b) Is it a fact that the Superintendent, Government Press, issued an order giving these retrenched hands ten months pay as gratuity and four months leave with pay?

(c) Is it a fact that these orders have now been cancelled or modified? If so, why?

The Hon'ble the Home Member: (a) Yes. The exact number is 26.

(b) It is not a fact that the Superintendent, Government Press, issued an order giving ten months' pay as gratuity and four months' leave with pay to every person whose services were dispensed with. He issued a notice drawing the attention to the provisions of the Government order on the subject. According to these provisions superior employees were to be allowed leave on full pay for a period of four months if they were entitled to it and a gratuity amounting to half a month's pay for each year of service up to a limit of ten months. Inferior servants were not to be allowed any leave and were to receive only half the gratuity allowed to those in superior service.

(c) No orders were cancelled or modified. In the notice the Superintendent of the Government Press stated that the rules for retrenchment applied to piece-workers as well as workers on a fixed salary but the Government on reference from him informed him that this was not correct. He consequently corrected the notice but as no piece-workers have been dismissed nobody was affected.

*30 & 31. **Munshi Gajadhar Prasad:** [*Postponed at the request of Government.*]

DEPUTY REGISTRAR, ALLAHABAD HIGH COURT

*32. Will the Government be pleased to state whether the post of Deputy Registrar in the High Court is a gazetted one or not?

The Hon'ble the Home Member: The post is a gazetted one.

*33—35. **Khan Bahadur Muhammad Maqsd Ali Khan:** [*Postponed at the request of Government.*]

*36. **Khan Bahadur Mr. Muhammad Abdul Bari (absent):** [*Postponed at the request of Government.*]

APPOINTMENT OF SECRETARIES OF DISTRICT BOARDS

*37. **Khan Bahadur Mr. Muhammad Abdul Bari** (*absent*): Will the Government please state the minimum educational qualifications fixed by the Government for an appointment to the post of Secretary in the district boards of these provinces?

The Hon'ble the Minister for Local Self-Government: The honourable member is referred to rule 1(a) in notification no. 2912/XI—83A-30, dated the 14th December, 1932.

*38—43. **Khan Bahadur Mr. Muhammad Abdul Bari** (*absent*): [*Postponed at the request of Government.*]

UNSTARRED QUESTIONS

ADMIXTURE OF SPIRIT IN COUNTRY LIQUOR

1. **Chaudhri Jagarnath:** (a) Will the Government be pleased to state if there is any admixture of spirit in the country liquor sold in the market?

(b) Do the Government contemplate putting a stop to the admixture of spirit and bring into action the ancient methods that were in vogue?

Mr. P. M. Kharegat: (a) and (b) Country liquor is spirit of 35° U. P.

ELECTRIFICATION WORK IN KASGANJ

2. **Khan Bahadur Muhammad Hadiyar Khan:** (a) Will the Government state why the electrification work in Kasganj has not yet been started in spite of the fact that a sum of Rs.20,000 has been sanctioned for the same?

(b) Will the Government state how much time will it take to start the said scheme in Kasganj?

(c) Is the Government aware that the supply of electric current has been introduced up to Tundla?

(d) Will the Government state what difficulties are there in extending the said electric current in Shikohabad, Ghiror, Kosma, Mainpuri and Farrukhabad?

(e) Is the Government aware that some of the towns mentioned in question (d) above have also been surveyed by the Department at a considerable expense?

(f) Do the Government intend to take early steps to introduce the said electric scheme in the towns specified in question (d) above?

The Hon'ble the Finance Member: (a) I announced in my budget speech that as the total available supply of power was insufficient, it would be impossible to electrify Kasganj this year, and that the money provided for the purpose would be diverted to providing additional power first. Since then the situation has changed, and it is now possible to proceed both with the provision of additional power and the electrification of Kasganj simultaneously. But in view of my former announcement, it has become necessary to ask for a supplementary token vote of

Rs.20,000. This is being put forward in the current session. Until the vote is passed by Council there are no funds available for starting the work.

(b) Estimates have been passed and tenders already called for. As soon as the supplementary vote is sanctioned orders will be placed for the materials to be imported and work will be started as soon as the materials arrive—probably about November next. It is hoped that current will be available in Kasganj in April next. It could not in any case have been provided earlier, since till that date sufficient power could not have been available.

(c) Yes.

(d) There is a distance beyond which limit electricity cannot be carried economically to small towns. The question whether these towns are within that economic range must be carefully studied before extensions to them are made. It is proposed to await the results of the Kasganj extension before embarking on further enterprises in these directions.

(e) The towns were surveyed by private firms and Government has incurred no expense on such surveys.

(f) The honourable member is referred to the answer to part (d).

3—11. **Khan Bahadur Muhammad Hadiyar Khan:** [*Postponed at the request of Government.*]

EXCISE SHOPS IN MAINPURI, ETAH AND FARRUKHABAD

12. **Khan Bahadur Muhammad Hadiyar Khan:** What was the number of excise shops opened in Mainpuri, Etah and Farrukhabad for retail sale of liquor and other excise drugs on 1st July, 1932; and the number opened of each kind on the corresponding date of 1931?

Mr. P. M. Kharegat: The honourable member is referred to columns 14—38 of Imperial Return III of the reports on the Excise Administration of the Province.

APPOINTMENT AND PAY OF DRILL MASTERS

13. **Khan Bahadur Muhammad Hadiyar Khan:** (a) Is there any time-scale of pay in the case of the drill masters employed in Government schools and colleges of the United Provinces like that of the teaching staff, and if the reply be in negative why are they deprived of the same?

(b) Is it a fact that the appointment and dismissal of the drill masters is entirely in the hands of the divisional inspectors of schools and not in the hand of Director of Public Instruction like that of other teaching staff? If the reply be in affirmative, why is it so?

Mr. P. M. Kharegat: (a) (i) No.

(ii) For want of funds.

(b) (i) Yes.

(ii) The honourable member is referred to paragraph 7 of the Educational Code.

14. **Khan Bahadur Maulvi Fasih-ud-din:** [*Postponed at the request of Government.*]

NOMINATED MEMBERS OF THE HALDWANI NOTIFIED AREA COMMITTEE

15. **Chaudhri Muhammad Ali:** (a) Will the Government be pleased to state the names of the nominated members of the Haldwani Notified Area Committee?

(b) Is there an official among the nominated members? If so, what is the reason for having him on the Committee when it is the declared policy of the Government to eliminate altogether the official element from local bodies?

(c) Will the Government consider the desirability of asking the present official member of that committee to resign and abolish the seat altogether, or replace him by a non-official elected member?

Mr. P. Mason: (a) A statement containing the information required by the honourable member is laid on his table.

(b) Yes.

Haldwani being the chief town of the Naini Tal Bhabar, which is a Government estate, the Government, who own all the most important buildings and have done much to foster the growth of the local bazar, have a very direct interest in the good administration of the town and are entitled to a representative of their own on the notified area committee.

(c) The question of replacing the present official member by a non-official is under consideration in consultation with the local authorities.

Statement referred to above:

(1) Mr. E. J. da Fonseca.

(2) Chote Lal.

(3) Thakur Praduman Singh.

STATEMENT *re* COURSE OF OFFICIAL BUSINESS TO BE TRANSACTED DURING THE CURRENT MEETING

The Hon'ble the President: The Leader of the House wishes to make a statement as regards the course of official business.

The Hon'ble the Finance Member: Sir, the first point to which I wish to draw attention is with regard to items IV and V connected with the Court of Wards Bill. At the end of last session I indicated—I forget whether I did so plainly or by inference—that I hoped to arrive at a settlement in the matter of amendments. I am glad to say that with the collaboration of the two main movers of the amendments we have done so. At the same time it is obviously most desirable that these amendments should be thrown into proper legal form and should be complete by themselves. Unless that is done we shall be faced with the task of fitting the new amendments into the existing amendments. That, as you remember, Sir, caused a tremendous amount of trouble last session. I propose, therefore, with your permission, to take these items IV and V as the last on the agenda.

[The Hon'ble the Finance Member]

The other point that I wish to raise refers to the Kumaun Bills. It has been pointed out to me that most of the legislation before us today is non-controversial, and I notice that there are no amendments except those either in my name or in the name of the Hon'ble the Home Member. At the same time, there is another measure which, I am afraid, will not be non-controversial and which is not up before the Council on this occasion. One of the motions is to remove the Kumaun Division from the operation of the Scheduled Districts Act. If by any chance in that controversial Bill amendments are carried which Government could not accept, or if the Bill itself were rejected, the position will be that Kumaun will have been taken out of the Scheduled districts by this motion here, it will be removed from the operation of the Scheduled Districts Act, and in respect of tenancy, it will be left in the air, with no law applicable. I propose, therefore, to postpone these items until we are in a position to pass the Tenancy Bill. I think it is better to put them all up together, and certainly No. XII should be the last.

The Hon'ble the President: Is it the idea that items XII, XIII, and XIV will not be taken up at all?

The Hon'ble the Finance Member: Not at this session, Sir, I hope to put them up during the next.

ELECTION OF A MEMBER TO SERVE ON THE ADVISORY COMMITTEE OF THE BENGAL AND NORTH-WESTERN RAILWAY

The Hon'ble the Finance Member: I beg to move that the Legislative Council do elect, in such manner and on such date as may be directed by the Hon'ble the President, a non-official member to serve on the Advisory Committee of the Bengal and North-Western Railway in place of Khan Bahadur Mr. Muhammad Ismail.

The question was put and agreed to.

The Hon'ble the President: I should like to have nominations now.

Khan Bahadur Haji Muhammad Obaidur Rahman Khan: I propose the name of Rai Sahib Rai Rajeshwari Prasad.

Shaikh Muhammad Habibullah: I second it.

Rai Bahadur Babu Vikramajit Singh: I propose the name of Mr. Rahmat Khan.

Khan Bahadur Maulvi Fasih-ud-din: I second it.

The Hon'ble the President: For one vacancy on the Advisory Committee of the Bengal and North-Western Railway two nominations have been made, viz. Rai Sahib Rai Rajeshwari Prasad and M. Muhammad Rahmat Khan. *Election will take place now.

(The voting papers were then collected.)

* The result of the election is given at page 316 *infra*

ELECTION OF MEMBERS TO SERVE ON THE SENATE OF
THE AGRA UNIVERSITY

The Hon'ble the Minister for Education : I beg to move that the non-official members of the Council do elect from their own body, in such manner and on such date as may be directed by you, Sir, three persons to serve on the Senate of the Agra University, under section 14(i) (xi) of Agra University Act and Statute 2(i), of the First Statutes of the University.

The Hon'ble the President : I am afraid the motion here is not in order. It ought to have been "that the Council do elect, in such manner and on such date, etc. etc." I have ruled it several times that the Chair is not particularly concerned with the business of any section of the House, and that if any business has to be transacted under the guidance of the Chair inside the Council it must be done at the direction of the whole House. Will the Hon'ble Minister now amend his motion accordingly?

The Hon'ble the Minister for Education : I read out the motion as in the agenda.

The Hon'ble the President : That is wrong. It should be in the same form as item No. II.

The Hon'ble the Minister for Education : But, Sir, there is a difference between the two motions. In this case the non-official members only have to elect.

The Hon'ble the President : In that case they can do it outside the Council. I rule the motion out of order.

A BILL TO AMEND THE UNITED PROVINCES MUNI-
CIPALITIES ACT, II OF 1916

The Hon'ble the Minister for Local Self-Government : I beg to present the report of the select committee on the Bill to amend the United Provinces Municipalities Act, II of 1916.

(After a pause) I beg to move that the Bill to amend the United Provinces Municipalities Act, II of 1916, be taken into consideration.

Mr. C. Y. Chintamani : Very frequently more than I cared it has been my unpleasant duty in this House to take the Hon'ble Minister to task for acts of omission as well as of commission. Therefore, I wish eagerly to take the opportunity provided by this Bill to congratulate him on the sound and progressive measure for the consideration of which he has now moved. It has long been a subject of acute controversy in England whether what is called . . .

The Hon'ble the President : What exactly is the point of the honourable member?

Mr. C. Y. Chintamani : I am proceeding on the assumption that on this motion general speaking on the subject is permitted.

The Hon'ble the President: At present the motion before the House is that the Bill be taken into consideration. Does the honourable member wish to oppose the Bill? If he so desires, he can do it; otherwise there is no occasion for general speeches at this stage.

Mr. C. Y. Chintamani: In that case I shall speak later.

The Hon'ble the President: The question is that the Bill to amend the United Provinces Municipalities Act, II of 1916, be taken into consideration.

The question was put and agreed.

CLAUSES 2 AND 3

D. finition.

2. In this Act the expression "the principal Act" means the United Provinces Municipalities Act, 1916.

Additions to section 224 of the principal Act.

3. In section 224 of the principal Act the word "and" at the end of clause (a) shall be deleted, a comma shall be substituted for the fullstop at the end of clause (b) and the following clauses shall be added, namely :

"(c) with the previous sanction of the local Government, grant to any person or company a licence to supply water within municipal limits and for this purpose to lay down mains and pipes, construct water-works and do all other necessary acts or things, and (d) with the same sanction, transfer all or any part of its existing water-works to the management of such licensee. Provided that such sanction shall not be given unless the local Government is satisfied that it will be in the best interests of the public concerned."

The Hon'ble the President: I shall take the preamble and the first clause last of all.

I see that there are no amendments to clauses 2 and 3. The question is that clauses 2 and 3 stand part.

The question was put and agreed.

CLAUSE 4

Additions of new sections 224-A, 224-B and 224-C to the principal Act.

4. After section 224 of the principal Act the following new sections shall be added, namely :

Powers and liabilities of licensee.

"224-A. (1) When a licence is granted under clause (c) of section 224, the rate at which, the manner in which, and the person by whom, payments shall be made to the licensee for water supplied by him and the terms and conditions on which the licensee may grant water connections to the consumers shall be settled between the Board and the licensee and entered in the licence, and the Board may delegate to the licensee any of the powers conferred on it by this Act or rules relating to water-works and water supply :

Provided that the power of assessment of water tax and of its recovery otherwise than by a civil suit shall not be delegated to the licensee.

(2) Such licensee with the previous sanction of the board may exercise the powers conferred on the board by sections 225 and 227 of this Act.

224-B. (1) The board may, with the previous sanction of the local Government and shall, if the local Government in the public interest so directs, revoke a licence granted under clause (c) of section 224 in any of the following cases :

Revocation
or amend-
ment of
licences.

(a) where the licensee makes wilful and unreasonable default in doing anything required of him by or under this Act or the rules relating to water-works;

(b) where the licensee breaks any of the terms or conditions of his licence the breach of which is expressly declared by such licence to render it liable to revocation;

(c) where the licensee is unable, by reason of his insolvency, fully and efficiently to discharge the duties and obligations imposed on him by his licence.

(2) The board may, with the previous sanction of the local Government, and on the application or with the consent of the licensee—

(a) revoke a licence granted under section 224(c) as to the whole or any part of the area of supply upon such terms and conditions as it thinks fit, or

(b) make such alterations or amendments in the terms and conditions of such licence as it thinks fit.

224-C. Where the licence of a licensee is revoked under the preceding section, the following provisions shall have effect, namely :

Provisions
where licence
of a licensee
is revoked.

(a) the board shall serve a notice of the revocation upon the licensee and shall in the notice fix a date on which the revocation shall take effect; and on and with effect from such date all the powers and liabilities of the licensee under the licence shall absolutely cease and determine;

(b) where a notice of the revocation of a licence has been served on the licensee the board may within three months after the service of such notice, and with the written consent of the local Government, by notice in writing require the licensee to sell, and thereupon the licensee shall sell to the board, the whole of the water-works at such value as shall be mutually agreed upon, or in default of such agreement at such value as shall be determined by a valuer appointed by the board and the licensee and, in case of their disagreement, by the local Government: the licensee shall however be responsible for the establishment employed by him for the undertaking and for any compensation or other payments it may be necessary to incur on their behalf: Provided that the value of such water-works shall be deemed to be their fair market value at the time of purchase, due regard being had to the nature and condition for the time being of such water-works and to the state of repair thereof, and to the circumstances that they are in such a position as to be ready for immediate working, and to the

stability of the same for the purpose of the undertaking but without any addition in respect of compulsory purchase or of goodwill or of any profits which may or might have been made from the undertaking, or of any similar consideration."

(c) Where any part of the water-works was transferred by the board to the licensee under section 224 (d), the board may by notice in writing require the licensee to re-transfer the same to the board on payment by the board of any sum by which the market value of such part of the water-works may have been enhanced by reason of any arrangement made by the licensee, such sum to be determined in the manner provided in clause (b) of this section.

The Hon'ble the President: There are no amendments to clause 4. The question is that clause 4 stand part.

The question was put and agreed to.

CLAUSE 5

5. After section 235 of the principal Act the following new section shall be added, namely :

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Act.
Addition of
a new section
235-A after
section 235
of the
principal
Act.

Rules relating
to the supply
of water
by a person
or company.

"235-A. The following matters relating to the grant of a licence under clause (c) of section 224 of the Act shall be regulated and governed by rules to be made by the local Government subject to the conditions prescribed in section 300 :

- (1) the selection of a licensee,
- (2) the form of application for a licence,
- (3) the form of licence,
- (4) the preparation and submission of returns and accounts by the licensee in a prescribed form,
- (5) duties of a licensee,
- (6) the securing of a regular and wholesome supply of water by the licensee to consumers,
- (7) the appointment of an officer of a specified rank and class to ensure that the provisions of the Act and the rules relating to water-works are being properly carried out, and
- (8) any other matter which is necessary for the proper working of the licence".

The Hon'ble the President: The question is that clause 5 do stand part.

The question was put and agreed to.

CLAUSE 1

Short title.

1. This Act may be called the United Provinces Municipalities (Amendment) Act, 1933.

The Hon'ble the President: There will be a consequential amendment in clause 1.

Add
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The Hon'ble the Minister for Local Self-Government: Sir, I beg to move that for the figures "193" in clause 1 the figures "1933" be substituted.

The Hon'ble the President: The question is that in clause 1 for the figures "193" the figures "1933" be substituted.

The question was put and agreed to.

The Hon'ble the President: The question is that clause 1 do stand

The question was put and agreed to.

PREAMBLE

WHEREAS it is expedient further to amend the United Provinces Municipalities Act, 1916, so as to provide for the construction or management of water-works by private agency:

United
Provinces
Act II of
1916.

It is hereby enacted as follows :

The Hon'ble the President: The question is that preamble do stand part.

The question was put and agreed to.

The Hon'ble the Minister for Local Self-Government: Sir, I beg to move that the Bill to amend the United Provinces Municipalities Act, II of 1916, be passed.

Mr. C. Y. Chintamani: Sir, I was going to say that this was a sound and progressive piece of legislation and that it deserved the support of the House, and I was going to congratulate the Hon'ble the Minister on having at long last lighted upon a measure which would receive support from everybody and not be an occasion for strong criticism. I began to say that in England it had long been a subject of acute controversy from the point of view of what was called national trade and private enterprise. Arguments on both sides have been put forward which command attention, but I would ask the House particularly to bear in mind the well-illustrated cases and the almost irrefutable arguments in support of private enterprise which were put forward by Lord Avebury in his book "Municipal and National Trading." Here, in India private enterprise is comparatively backward. But in the West many a social service is entrusted to private corporations and has not to be undertaken by the state or statutory local bodies. So far as I know, electric tramways and electric supply for purposes of light and power, the generation of gas for heat and light and the supply of motor, too, in not a few cases have been left to private enterprise in Britain. But in no single town in British India, to the best of my knowledge, has the supply of water been left to such enterprise. I think this Bill will enable local bodies in our province to make that experiment and see whether for the greater benefit of ratepayers licences might not be granted to private firms rather than that municipal boards should directly manage such undertakings. It is an experiment that should be encouraged and I am glad that not only does the Bill before us as amended by the select committee afford a legitimate opportunity both to municipal boards and to private enterprise, but also takes the precaution of leaving the power to local bodies and the local Government to revoke a licence and to take back such works if the arrangement was found not satisfactory. I have

[Mr. C. Y. Chintamani.]

studied the provisions of the Bill with the critical eye with which I am accustomed to scrutinize everything for which the Hon'ble the Minister is responsible, and I am glad to say that on this occasion he has come out unscathed from the examination. I support the motion which he has made.

The Hon'ble the President: The question is that the Bill to amend the United Provinces Municipalities Act, II of 1916, be passed.

The question was put and agreed to.

A BILL TO AMEND THE UNITED PROVINCES TOWN AREAS ACT, II OF 1914

The Hon'ble the Minister for Local Self-Government: I beg to present the report of the select committee on the Bill to amend the United Provinces Town Areas Act, II of 1914.

(After a pause): I beg to move that the Bill to amend the United Provinces Town Areas Act, II of 1914, be taken into consideration.

The Hon'ble the President: The question is that the Bill to amend the United Provinces Town Areas Act, II of 1914, be taken into consideration.

The question was put and agreed to.

The Hon'ble the President: The preamble and clause 1 will be taken last of all. There are no amendments to clauses 2 to 8.

CLAUSES 2 TO 8

2. In sub-section (3) of section 1 of the United Provinces Town Areas Act, 1914 (hereinafter referred to as the principal Act), for the words "territories for the time being administered by the Lieutenant-Governor of the United Provinces" the words "United Provinces of Agra and Oudh" shall be substituted.

Amendment of sub-section (3) of section 1 of United Provinces Act, II of 1914.

3. In section 2 of the principal Act for the existing definition of "occupier" the following definition shall be substituted:

"(5) 'occupier' means in the case of a house let out to temporary lodgers or to travellers the person who receives or is entitled to receive the rents or payments from the lodgers or travellers: and in other cases the tenant or tenants or any person who occupies the house or land."

4. The following amendments shall be made in section 4 of the principal Act:

Amendment of section 4 of principal Act.

(1) For the words and figures "sections 8A(3), 9(3), 10, 11, 15, 35, and 36" the following words shall be substituted, namely:

"this Act or by rules framed under this Act, other than his power under section 39A."

(2) The word "stipendiary" shall be inserted between the words "any other" and "officer".

5. In sub-section (2) of section 5 of the principal Act the following
Amendment of sub- clause (c) shall be inserted after clause (b) and the
section (2) of section 5 existing clause (c) shall be read as clause (d):
of principal Act.

“(c) One representative of the depressed classes to be appointed by the District Magistrate from those members of the depressed classes who are not government servants.”

6. In clauses (a), (b), (c), and (d) of sub-section (3) of section 5 of the principal Act the words “not less than” shall be inserted before the words “one member”, “two members” and “three members” wherever they occur.
Amendment of sub- section (3) of section 5 of principal Act.

7. For clause (f) of sub-section (1) of section 7 of the principal Act the following clause shall be substituted, namely:
Amendment of sub- section (1) of section 7 of principal Act.

“(f) that he has failed to pay any dues to the town area within the month in which they have fallen due.”

8. For clause (a) of sub-section (2) of section 7 of the principal Act the following clause shall be substituted, namely:
Amendment of sub- section (2) of section 7 of principal Act.

“(a) that he has been convicted by a competent court (such conviction being still in full force and effect) for an offence which in the opinion of the local Government implies moral turpitude, or has been dismissed from Government service for conduct which in the opinion of the local Government implies moral turpitude, or”.

The Hon'ble the President: The question is that clauses 2 to 8 stand part.

The question was put and agreed to.

CLAUSE 9

9. For sub-section (1) of section 7A of the principal Act the following sub-section shall be substituted, namely:
Amendment of sub- section (1) of section 7A of principal Act.

“(1) The Commissioner may, after affording him an opportunity to make an explanation, remove the chairman or any member of a *panchayat* who in his opinion has so abused his position as chairman, or member as to be unfit to act as such, or who is persistently remiss in the discharge of his duties as such chairman or member.”

Mr. Brijnandan Lal: I beg to move that clause 9 of the Bill be deleted. Clause 9 gives power to Commissioners to turn out the Chairman of any town area whom he considers to be undesirable. So far there was no provision to that effect in the Town Areas Act. The Commissioner could turn out a member of a *panchayat* if he wanted. But there was no power to turn out a chairman of the town area. I admit that there is a similar power in the Municipalities Act and it will be argued that in the case of town areas the chairman is elected by all the voters and not by the *panchayat*, while in the case of the municipal board, members elect the chairman. So in the

[Mr. Brijnandan Lal]

case of town areas, even if the *panchayat* wanted to pass a vote of non-confidence it would not be possible. I have advanced the reasons both for and against clause 9, and I shall leave it to the Council whether they want a measure which will enable the Commissioner to turn out the chairman if he wants.

Rai Bahadur Babu Vikramajit Singh: I oppose the amendment which has been moved by my friend Mr. Brijnandan Lal. The District Boards Act, as well as the Municipalities Act, have got similar provisions, and if a chairman does not act properly and abuses his power, he has to be removed by some authority. Here it has been provided that the Commissioner, instead of the local Government, will remove him. I do not see how else a chairman, who does not act properly, could be removed. Therefore I think that this is a sound provision in the Bill and it ought to be supported. The amendment which has been moved is not a proper one and my honourable friend has not put forward any justification why a similar provision as exists in the Municipalities Act and District Boards Act should not exist in the Town Areas Act. I therefore oppose the amendment.

The Hon'ble the Minister for Local Self-Government: I am bound to oppose the motion. It strikes at the very root of the object which I have at heart, namely, that we want to improve the working of this Act and in the interest of the better administration of the *panchayat*, it is highly desirable that there should be some agency on the spot which should look into the activities of the chairman and control him if he finds that the chairman has abused his power or in any case acted in a manner detrimental to public interests, and that the sooner he is removed, the better it will be in the interest of the administration. I should have thought that the member for Farrukhabad would come forward to support this section in its present form rather than oppose it. There is no question of principles of Local Self-Government involved in it, there is no question of interference with the details of the administration of the *panchayats*. The provision is simply meant to improve the administration. I therefore oppose the amendment.

***Rai Rajeshwar Bali:** I only wish to put one question to the Hon'ble the Minister. It is apparent that so far a similar provision did not exist in the present Act. I wish to know whether there has been any difficulty in the administration due to the want of such a provision in the Act and I wish to know whether any cases have been brought up in which such action was necessitated, but could not be taken for want of any provision in the Act. Secondly, I would inquire whether he would agree that in place of the words "the Commissioner", the words "the local Government" be substituted.

The Hon'ble the Minister for Local Self-Government: Yes . . .

The Hon'ble the President: Order, order. Rai Rajeshwar Bali is in possession of the House.

***Rai Rajeshwar Bali:** I wish to know whether the Government has any objection to substituting the words "the local Government" for the words "the Commissioner."

**Speech not revised by the honourable member.*

The Hon'ble the Minister for Local Self-Government: The honourable member for

The Hon'ble the President: Does the Hon'ble the Minister wish to speak now? The mover has got a right of reply.

The Hon'ble the Minister for Local Self-Government: He is putting a question only.

Rai Rajeshwar Bali: Yes, I wanted information.

The Hon'ble the President: This means taking part in the debate?

Rai Rajeshwar Bali: He may reply now or later on.

The Hon'ble the President: Is the Hon'ble the Minister prepared to reply?

The Hon'ble the Minister for Local Self-Government: I am perfectly willing to reply to the question as a question. I am glad the honourable member has put this pertinent question. My reply is yes, because some of the chairmen have not been behaving properly and we felt that some step must be taken in the interests of the public

Rai Rajeshwar Bali: Have there been many cases?

The Hon'ble the Minister for Local Self-Government: We have got two or three in mind. I cannot off-hand say about more. But it is obvious when we have got such sections in the Municipalities Act and the District Boards Act and we have got these as safeguards, and that it is in the best interests of the public against bad chairmen in the municipalities and the district boards. It is only begging the question to say that it is not necessary for the *panchayat*, because the calibre of these chairmen cannot be half so great as that of the chairman of the municipalities and district boards.

Now, with regard to the question as to why Government should not retain this power of removing the chairman, I should like to point out that we are too far removed from the scene, and if this power to remove were to be retained by the local Government, it would lead to tremendous delays and would certainly not be conducive to efficient administration of the board, and would not be in the interests of the administration of the *panchayat* itself. Therefore, it is not desirable that we should retain this power with us.

Syed Ali Zaheer: As I understand the amendment, the idea is not to give the Commissioners absolute power to remove chairmen at their sweet will. The fear is that in certain cases the power may be properly exercised, while in others, which may become frequent in course of time, the power may be abused and I will, therefore, suggest that in order to abolish this fear from the mind of the public at large, the power of the Commissioner should not be absolute. I will, therefore, move an amendment to the amendment of Mr. Brijnandan Lal that, instead of deleting the whole clause, the clause should be "the Commissioner, with the sanction of the local Government", and I will commend it for the acceptance of the Government.

The Hon'ble the President: The honourable member wants the insertion of the words "with the sanction of the local Government" between the words "Commissioner" and "may". Is there any objection to its being moved, as no notice of this amendment was given?

The Hon'ble the Minister for Local Self-Government: Yes.

The Hon'ble the President: Objection having been taken, it cannot be moved.

Saiyid Ali Zaheer: In the circumstances, I will support the motion of Mr. Brijnandan Lal and I will urge that although it is true that it is desirable that this power should be in some body, but I do not think it is possible for us to leave this power entirely in the hands of the Commissioners, and I will, therefore, suggest that the whole clause should be deleted.

Pandit Joti Prasad Upadhyaya: Sir, I think it will be a little too much to give this power to the Commissioner entirely, as cases have happened in which Commissioners, although such cases are very rare, guided by party politics in their division, have taken undue action sometimes against certain members and chairmen of certain local bodies. It is, therefore, necessary that this power, instead of being given to the Commissioner should be given to the local Government. One argument may be cited against this and it is, that the local Government are already overworked, and since there are so many town areas in the province, it may not be very practicable for the Government to attend to all such business with regard to the removal of the chairmen of those town areas. But my submission is that such cases would be very rare. So, Sir, I request the Hon'ble the Minister to accept an amendment which I am going to move that instead of the word "Commissioner", in this clause the words "local Government" be substituted. I hope that the Hon'ble the Minister, Local Self-Government, will not oppose this amendment.

The Hon'ble the President: What is the amendment?

Pandit Joti Prasad Upadhyaya: The amendment is that in place of the words "the Commissioner" the words "the local Government" be substituted. The object of this amendment . . .

The Hon'ble the President: Order, order. The merits of the amendment cannot be discussed until it is before the House. As no notice of this amendment was given, is there any objection to its being moved?

(After a pause): There is no objection : it may be moved.

Pandit Joti Prasad Upadhyaya: I beg to move that in the clause that is before us the words "the Commissioner" be deleted and in their place the words "the local Government" be substituted. I have already given my reasons for this, and I hope the House will accept the amendment without any dissent.

Khan Bahadur Haji Muhammad Obaidur-Rahman Khan: I beg to support the amendment which has been moved by my honourable friend, Pandit Joti Prasad Upadhyaya. I think it is a very reasonable amendment, and as there has been no objection to it, it does not require a lengthy speech on my part. But I may say that now Chairmen will feel themselves more secure than they would have felt had the original amendment been accepted by the House. I hope that this amendment will be accepted by the House without any opposition.

Babu Ram Bahadur Saksena: I rise to support the amendment moved by my honourable friend, Pandit Joti Prasad Upadhyaya. As a matter of fact there is no provision in the existing Town Areas Act for the removal of the Chairman of a Town Area. Even the Town Area Committee cannot do it. So, some provision for the removal of those chairmen who are not performing their duties properly appears to be necessary. But the powers of removal should be with the authority who is responsible to this House, and therefore I urge that the Hon'ble the Minister will accept the amendment that the words "the local Government" be substituted for the words "the Commissioner".

Mr. P. Mascn: Sir, there is one difficulty about this amendment, and that is that if it is accepted, not only questions of removal of chairmen but also questions of removal of members will all have to come to the local Government, and as there are 266 town areas in the province, that will be a very considerable addition to our burden of work. We have no objection to dealing with cases of chairmen because they are very few and far between. During the four years for which chairmen have been elected I do not recollect more than two or three cases. But if it comes to a question dealing with every member who is removed by a Commissioner, we shall be overwhelmed. Our idea was that if the Commissioner could be trusted with the removal of a member, he could be trusted with the removal of a chairman. It is only by chance that under this Act the chairman is separately elected and the members are separately elected. But if the members elected their own chairmen, as they do under the Municipalities Act or the District Boards Act, a chairman would then be a member too, and the Commissioner could remove him. In fact I think the Legal Remembrancer did hold that we should be justified in an emergency in removing a chairman even under this section as it stands: but as the question was not clear we proposed to make the Act quite clear, so that the chairman was on the same footing as the member.

Rai Rajeshwar Bali: Sir, . . .

The Hon'ble the President: Rai Rajeshwar Bali has already spoken. Does he wish to speak again?

Rai Rajeshwar Bali: At that time I only put a question.

The Hon'ble the President: I am afraid I cannot allow this debate in the garb of putting questions.

Sheikh Muhammad Habibullah: I would suggest an amendment to the amendment. The amendment will be to the effect that the removal of the members will rest . . .

The Hon'ble the President: Will the honourable member kindly draft the amendment and let me know?

Sheikh Muhammad Habibullah: My amendment will read like this: The Commissioner may in the case of a member . . .

The Hon'ble the President: If I may make a suggestion, the best thing would be for the honourable member to draft an amendment in consultation with the Legal Remembrancer and the Municipal Secretary and then put it in a proper form. Meantime we may postpone the debate on this clause and go to the next one. Otherwise I can adjourn the House if the honourable members so want. But I think the best possible course would be for the honourable member to do as suggested by me. Will that be all right?

Several Hon'ble Members: Yes, Sir.

The Hon'ble the President: The debate on clause 9 is, therefore, suspended.

Mr. Brijnandan Lal: Clauses 10 and 11 also depend on clause 9.

The Hon'ble the President: I see; clauses 10 and 11 also go with that. Then we take clause 12.

CLAUSE 12

12. A comma shall be substituted for the full-stop at the end of the

Amendment of sub-section (1) of section 10 of principal Act.

existing sub-section (1) of section 10 of the principal Act and the following words shall be added, namely:

"subject in the case of the bakhshi to the approval of the District Magistrate."

Mr. Brijnandan Lal: I beg to move that clause 12 be deleted. Clause 12 empowers the District Magistrate to sanction the appointment of a bakhshi and until it has been so sanctioned, the appointment of a bakhshi cannot be made. I am afraid if the power of sanctioning such small appointments is taken over by District Magistrates, local self-governing bodies will be reduced to a nullity. So I hope the Hon'ble Minister will accept this modest amendment of mine.

The Hon'ble the Minister for Local Self-Government: I regret very much that I have to oppose this because bakhshi is a very important officer. As all the honourable members are aware, under the Act as it stands at present, it is the Magistrate who has got to deal in many cases with a matter like this and I think he is the right man to understand the capability and suitability of a man who is going to be appointed a bakhshi. It is not at all a question of interference with the principles of Local Self-Government. It is really with a view to improve the working of local self-governing bodies that these things have been inserted in the light of experience. It has been felt that in order to ensure right men being appointed this power should rest with the Magistrate. Of course, the local Government cannot be in a position to say anything in a matter like this. It is far too remote from the scene and cannot be competent enough to give its opinion.

Mr. Brijnandan Lal: As section 10 stands at present, no power has been given to District Magistrates to sanction this appointment. Section 10 runs as follows :

“(1) The chairman shall appoint the permanent staff prescribed in the establishment list.

(2) The chairman may fine, suspend or dismiss any member of the permanent staff so appointed, subject in the case of the dismissal of any member of the staff whose pay exceeds Rs.15 a month to confirmation by the District Magistrate, who shall give the member of the staff who has been so dismissed an opportunity of representing his case.”

This is all that section 10 says. I do not see any reason why the power of sanction should be given to the District Magistrate now. The Hon'ble Minister says that the post of a bakhshi is very important and therefore it should be confirmed by the District Magistrate. Does he mean to say that nothing important can be done by local self-governing institutions and that everything important should be taken away from their hands and only unimportant matters should be left to them? I think that if all these restrictions are imposed the result will be that the town areas will be reduced to impotence. I would like to know whether any appointment has been made which was so undesirable that the District Magistrate could not approve of it. If there was such a case where and when.

Mr. P. Mason: The bakhshi is an important man in town areas . . .

Rai Rajeshwar Bali: Can Secretary speak after the mover has replied.

The Hon'ble the President: The mover has not replied yet?

Mr. Brijnandan Lal: Yes, I have.

The Hon'ble the President: The Secretary is speaking with the delegated authority. Mr. Mason.

Mr. P. Mason: The bakhshi is a very important man in a town area. There are six town areas in the honourable mover's district. I do not think any of them has the good fortune to have him living in it. The last town area that we had to supersede was the town area of Dewa and one of the charges was that they had appointed something like six bakhshis in 18 months owing to internal dissensions, and as the bakhshi assesses taxes and practically administers the town area, it is very important that we should not have an altogether incompetent man. We have to think of the interests of the unfortunate people on whom this experiment in Local Self-Government is worked out and after all this section merely says that the approval of the District Magistrate would be necessary. He will not interfere unless he thinks it essential to do so.

The Hon'ble the President: The amendment moved was that clause 12 of the Bill be deleted. The question is that clause 12 stand part.

The question was put and agreed to, the Council having divided as below.

Ayes 52; Noes 18:

Ayes

Abdul Bari, Khan Bahadur, Mr. Muhammad.
 Abdul Hasan, Saiyid.
 Afzal-ud-din Hyder, Shaikh.
 Ahmad Shah, Mr. E.
 Ain-ud-din, Khan Bahadur, Saiyid.
 Allsop, Mr. J. J. W.
 Awadh Bihari Lal, Rai Bahadur, Babu.
 Baldeva, Chaudhri.
 Bhondur Ram, Mr.
 Blunt, The Hon'ble Mr. E. A. H.
 Brij Lal Badhwar, Rai Bahadur, Mr.
 Clay, Mr. J. M.
 Dharya Singh, Chaudhri.
 Drake-Brockman, Mr. D. L.
 Fasib-ud-din, Khan Bahadur, Maulvi.
 Frampton, Mr. H. J.
 Ghasita, Chaudhri.
 Habibullah, Khan Bahadur, Maulvi Saiyid.
 Habibullah, Shaikh Muhammad.
 Hadiyar Khan, Khan Bahadur, Muhammad.
 Hari Kishen Mathur, Mr.
 Hidayat Husain, Khan Bahadur, Hafiz.
 Hollins, Mr. S. T.
 Imtiaz Ahmad, Khan Sahib, Muhammad.
 Jagannath, Chaudhri.
 Jagdish Prasad, The Hon'ble Kunwar.
 Jamshed Ali Khan, Captain Nawab Muhammad.

Jwala Saran Kothiwala, Rai Sahib, Babu.
 Kamta Nath Saksena, Babu.
 Kharegat, Mr. P. M.
 Lane, Mr. H. A.
 Mackenzie, Mr. A. H.
 Maqsd Ali Khan, Khan Bahadur, Muhammad.
 Mason, Mr. P.
 Masud Ali Khan, Mr.
 Muhammad Yusuf, The Hon'ble Nawab Sir.
 Narsingh Rao, Rao.
 Nazar Husain, Shah.
 Obaidur Rahman Khan, Khan Bahadur, Haji Muhammad.
 Phul Chand Mogha, Rai Bahadur, Babu.
 Rahmat Khan, Mr. Muhammad.
 Ram Chandra, Chaudhri.
 Rama Charana, Rai Sahib, Babu.
 Sathe, Mr. J. L.
 Shiva Pati Singh, Rai Bahadur, Thakur.
 Shivastava, The Hon'ble Mr. J. P.
 Srivastava, Mrs. Kailash.
 Suraj Din Bajpai, Rai Bahadur, Pandit.
 Tappu, Mr.
 Vikramajit Singh, Rai Bahadur, Babu.
 Zahid Ali Sabzposh, Khan Bahadur, Saiyid.
 Zahur Ahmad, Mr.

Noes

Ali Zaheer, Syed.
 Brijnandan Lal, Mr.
 Chintamani, Mr. C. Y.
 Gajadhar Prasad, Babu.
 Giriraj Singh, Thakur.
 Girwar Singh, Kunwar.
 Jagannath Bakhsh Singh, Raja.
 Jagbhan Singh, Kunwar.
 Jagadeva Roy, Rai Bahadur, Babu.

Jang Bahadur Singh Bisht, Thakur.
 Joti Prasad Upadhyaya, Pandit.
 Muhammad Ali, Chaudhri.
 Perma, Mr.
 Prem Ballabh Belwal, Pandit.
 Rajeshwar Bali, Rai.
 Ram Bahadur Saksena, Babu.
 Sadayatan Pande, Rao Pandit Shri.
 Sardar Singh, Rao Bahadur, Kunwar.

The amendment was accordingly negotiated.

CLAUSE 13

13. In sub-section (2) of section 10 of the principal Act "Rs.10" shall be substituted for "Rs.15."

Amendment of sub-section (2) of section 10 of principal Act.

Mr. Brijnandan Lal: I beg to move that clause 13 be deleted. So far the Act gave power to town areas to dismiss men occupying posts carrying a salary up to Rs.15, but now this clause wants to reduce it to Rs.10. This means that the town areas will be able to dismiss chappassis only on Rs.10 and the posts carrying a salary of more than Rs.10 will be out of their control. I am afraid this gradual reduction of the powers of town areas is not desirable and I hope the Council will support this amendment. Is there anything to show that the town areas have abused the power of dismissal given to them?

The Hon'ble the Minister for Local Self-Government: Sir, this section concerns with dismissals only. At present every employee getting a pay of Rs.15 has a right of appeal to the District Magistrate. It is now proposed to reduce it to Rs.10. The reason is that in many cases it has been found that this power has been abused, and some security must be given to the employees. After all employees who at present have a right of appeal are those who get a salary of Rs.15. This is very small indeed. Panchayats employ very low paid men—sweepers—and the Act at present gives the right of appeal to the head sweeper only.

Khan Bahadur Haji Muhammad Obaidur-Rahman Khan: I thought that the Hon'ble the Minister would be able to tell us what posts he had in mind when he had moved for the amendment of the Act. The salary of Rs.15 is certainly not a very high pay. If the panchayat cannot be trusted with power to dismiss even those servants who draw a salary of Rs.15 a month, then I do not see what is the use of having panchayats at all. I think it will be far better to withdraw the Town Areas Act altogether than introducing amendments curtailing powers of the panchayats. We have just now passed an amendment under which the appointment of bakhshi has been made subject to the approval of the District Magistrate and by this amendment it is sought to leave the dismissal of those servants who get more than Rs.10 a month to the higher authorities. I do not think that it is right to curtail the powers of the panchayats in this manner and I am sure the Hon'ble the Minister will reconsider his decision and will not stick to the proposal which he has made. I hope he will accept the amendment proposed by my friend on the left, because Rs.15 is not a very large sum. I realize that salaries of servants in town areas are not very high, but if one can trust them in the dismissal of servants getting salary of Rs.10, there is no reason why they cannot be trusted with the dismissal of those servants who are getting Rs.15 a month. If you wish to give a right of appeal to those servants who are getting Rs.15, the same right can be given to those who are drawing Rs.10. There is no reason why a line of demarcation should be drawn in this case. I, therefore, hope that either the Hon'ble the Minister may take the trouble of making the position clearer or he may accept the amendment proposed by my friend on the left.

Rai Bahadur Babu Jagadeva Roy: I rise to support the mover. My reasons are that there is every justification for allowing the present powers of town areas to continue. It is an admitted fact that unless you give certain powers to town areas, the work cannot go on smoothly. Here we find the position just the reverse. The work will have to be taken by the town areas by means of supervision of the work of servants getting Rs.10 or Rs.15 a month, but if a servant is found to be impertinent or slack or if it is found that he is liable to dismissal or to be punished in any other way, in that case the power will not lie with the chairman or the town area body and in this circumstance there cannot be expected any smooth working by the subordinates, because these subordinates will take it into their heads that because they cannot be dismissed or punished by the chairman or the members constituting the town area, they need not be afraid of any of them. From that point

[Rai Bahadur Babu Jagadeva Roy]

of view it is very desirable that more power should be given to the chairman of the town area instead of making the position worse. I therefore think that the honourable mover is perfectly justified in this amendment for the deletion of this clause and I support him.

Pandit Joti Prasad Upadhyaya : The amendment embodied in clause 13 of this Bill is of a very trivial nature. I do not know why it was inserted in the original Bill and why the select committee agreed to its retention. Whether the amount of salary is Rs.10 or Rs.15 is absolutely immaterial for the purpose of the local Government. In my opinion this amendment is not at all necessary either on the ground of expediency or true legislation. On the contrary, Sir, this amendment takes away some of the powers of the chairmen of the town areas. I, therefore, agree with the honourable mover and submit that this clause be deleted. I hope the Hon'ble Minister will at once agree to the deletion of this clause.

***Rai Rajeshwar Bali :** Sir, so far as I am aware the posts carrying salaries between Rs.10 and Rs.15 will be mostly of menials, and I do not see any reason why panchayats should not be allowed to control their own menials.

The Hon'ble the Minister for Local Self-Government : That is all they have.

***Rai Rajeshwar Bali :** Yes, exactly. That is all they have. I do not think it is desirable to rob them of this little power. It will be very difficult to control the menials if they will know that they can get the order of the panchayat rejected by a higher authority. I do not think that in a small matter like this the Hon'ble Minister should grudge this small power to the town area.

Mr. Brijnandan Lal : The bakhshi is gone. It is now intended to take away the power of dismissal of small employees as well. I do not know what would be left to the town areas if this power is also taken. I hope the Hon'ble Minister for Local Self-Government will accept the amendment and will not grudge this small power of the town areas.

The Hon'ble the Minister for Local Self-Government : I have no serious objection to this amendment.

The Hon'ble the President : The amendment moved was that clause 13 be deleted. The question is that clause 13 stand part.

The question was put and negatived.

CLAUSE 14

Amendment of section 11 of principal Act.

14. For section 11 of the principal Act the following section shall be substituted, namely :

"11. The *panchayat* may appoint such temporary staff as it may require to supplement the permanent staff on such remuneration as it may think proper :

Provided that no such temporary appointment shall extend beyond one month without the previous confirmation of the District Magistrate."

Mr. Brijnandan Lal : I beg to move, Sir, that proviso to clause 14 be deleted. The proviso runs : "Provided that no such temporary

**Speech not revised by the honourable member.*

appointment shall extend beyond one month without the previous confirmation of the District Magistrate."

The panchayats have been given power to make temporary appointments, but the proviso says that if a temporary appointment is to be made for more than one month, confirmation of the District Magistrate will be necessary. I do not see any reason, Sir, for restricting the power of the town areas for these appointments. I hope the Council will accept my amendment.

The Hon'ble the Minister for Local Self-Government: I have no serious objection to this amendment.

The Hon'ble the President: The amendment moved was that the proviso to clause 14 be deleted. The question is that the said proviso stand part.

The question was put and negatived.

The Hon'ble the President: The question is that clause 14 as amended stand part.

The question was put and agreed to.

CLAUSES 15 TO 21

Amendment of section 14 of principal Act.

15. The following amendments shall be made in section 14 of the principal Act :

(1) The words "and report to the District Magistrate" shall be inserted after the word "determine" in the first line.

(2) For the last three lines of the first paragraph beginning from the words "according either" the following words shall be substituted, namely :

According either to their general circumstances or to the annual rental value of the houses or lands so occupied by them, as the *panchayat* may determine."

(3) For the words "local Government" in the second proviso the word "Commissioner" shall be substituted.

Amendment of section 20 of principal Act.

16. In section 20 of the principal Act the word "registered" shall be inserted before the word "post."

Amendment of section 21 of principal Act.

17. In section 21 of the principal Act the words "or immovable" shall be inserted after the word "movable" in line 8.

Amendment of section 26 of principal Act.

18. In clause (d) of section 26 of the principal Act the words "or kerosene" shall be added after the word "petroleum."

Amendment of section 31 of principal Act.

19. In section 31 of the principal Act after the word and figures "section 26" the words and figures "or section 27" shall be inserted.

Amendment of section 32 of principal Act

20. In section 32 of the principal Act after the word and figures "section 30" the following words shall be inserted, namely :

"or encroaches upon a public road within the limits of the town area which is maintained by the *panchayat* under section 23(d)."

Insertion of new section 32A after section 32 of principal Act.

21. After section 32 of the principal Act the following new section shall be inserted, namely :

“32A. Whoever obstructs or molests any person employed by or engaged by the *panchayat* to do any act, or any contractor under contract with a *panchayat* to perform any act required or permitted by this Act, or any agent, servant or labourer of such contractor in the performance of such act or in doing anything in the execution of such contract, shall be liable on conviction to a fine which may extend to Rs.20.”

The Hon'ble the President: The question is that clauses 15 to 21 stand part.

The question was put and agreed to.

CLAUSE 22

Insertion of new section 39A after section 39 of principal Act.

22. After section 39 of the principal Act the following new section 39A shall be inserted, namely :

“39A. (1) The District Magistrate may, within the limits of his district, by order in writing, prohibit the execution or further execution of a decision, resolution or order passed or made under this Act or under rules framed under this Act by a town area *panchayat* or any officer or servant of a *panchayat*, if in his opinion such decision, resolution or order is of a nature to cause or tend to cause obstruction, annoyance or injury to the public or to any class or body of persons lawfully employed, or danger to human life, health or safety or a riot or affray, and may prohibit the doing or continuance by any person of any act in pursuance of or under cover of such decision, resolution or order.

(2) A copy of such order with a statement of the reasons for making it shall forthwith be forwarded by the District Magistrate to the local Government, who may thereupon, if they think fit, rescind or modify the order.

(3) Where the execution or further execution of a decision, resolution or order is prohibited by an order made under sub-section (1) and continuing in force, it shall be the duty of the *panchayat*, if so required by the authority making the order under the said sub-section, to take any action which is necessary for preventing any person from doing or continuing to do anything in pursuance of or under cover of the said decision, resolution or order.”

Mr. Brijnandan Lal: Sir, I beg to move that clause 22 be deleted. I am very grateful to the Hon'ble the Minister that he has accepted two of my amendments, and I hope he will accept this one also, because clause 22 rather goes to the very root of the Town Areas Act. The clause provides that a District Magistrate may prohibit the execution of a decision, resolution or order passed or made by a town area *panchayat*

or any officer or servant of a panchayat. I do not mean to say that all the district officers are unreasonable, but there are no doubt some black sheep, and I am afraid if this clause is allowed to stand great difficulties will arise. I hope Government will agree to the deletion of this clause.

Khan Bahadur Hafiz Hidayat Husain: I hope, Sir, that the Hon'ble the Minister will not respond to the appeal of the mover and accept the amendment moved by him. I am not quite sure what the underlying object is in asking for the deletion of this clause. We find that even in the Municipalities Act passed in 1916 there is a similar provision contained in sections 35 and 36 which give the necessary powers of interference to the local Government, the Commissioner or Collector whenever occasion for the exercise of these powers arises that is when owing to some resolution or action of the board tending towards abuse of power or exercise of power in a manner injurious to the civic life of the city, occasion for the exercise of such power arises. There are corresponding sections also in the District Boards Act, section 164, 166 and 167, which also give similar powers to the Collector, Commissioner and the local Government to intervene whenever they find that necessary. We are dealing here with town areas which are not so constitutionally developed as municipalities and district boards are and if there are provisions in Municipalities and District Boards Acts giving power to the authorities to intervene on occasions, and it will not be denied that such occasions frequently arise, then my contention is that there is no reason why a provision like the one sought to be deleted from the Town Areas Act should not find place in the Act relating to town areas which are not so constitutionally developed as municipal and district boards are. Municipalities have been in existence for a long long time in these Provinces. To govern them two or three Acts have been passed. So also the District Boards. The Town Areas came into existence only in 1914. Experience gained in this field is neither long nor great. I see no reason, therefore, for deleting the clause contained in the amending Bill.

Pandit Joti Prasad Upadhyaya: I rise to oppose the amendment before the House. It has been said this provision is not at all necessary in the Town Areas Act. My submission is that when such a provision exists in the Municipalities Act and the District Boards Act, which are more important Acts than the Town Areas Act, and where local Self-Government has developed to a greater extent, then I think there is no reason for accepting the amendment of the honourable mover. I think, Sir, that this new clause 22 contains an enabling provision. I oppose the amendment and move that the clause be retained.

The Hon'ble the Minister for Local Self-Government: I regret very much that I cannot oblige my friend the mover any more. I should have thought that bearing in mind the fact that I have been very accommodating to him he would have been generous enough to withdraw his motion, because obviously it strikes at the root of the fundamental idea that has actuated us to bring in this amendment in the Bill. As already pointed out by Hafiz Sahib and Pandit Joti Prasad, if the necessity for its

[The Hon'ble the Minister for Local Self-Government.]

inclusion exists in the case of municipalities and district boards, it is all the more necessary in panchayats where obviously things are not so developed and many occasions are likely to arise where guidance and control or check may be necessary. After all it does not give full powers to do whatever they like. All they will do is to report to the local Government and it will be for the Minister to decide what to do. And this is the condition prevailing at present in the municipalities and district boards. It is a wholesome section and should be allowed to be incorporated in the Town Areas Act.

***Rai Rajeshwar Bali :** Sir, the only argument which has been advanced by the Hon'ble the Minister or my friend Khan Bahadur Hafiz Hidayat Husain is that because a similar provision exists in the Municipalities Act therefore it should find a place in the Town Areas Act as well. It would be obvious to every honourable member of this House that there can be absolutely no comparison between the powers exercised by the municipalities and the powers exercised by the town areas. Members of the town areas have got very little power and they can deal with very few matters only. There are no water-works in the town areas and their functions are not to regulate the sanitary arrangements in the same way as they do in the municipalities. Therefore it is very wrong to compare the powers and functions of the town areas, which are a small body, with those of the municipalities. It will be seen that this is an innovation in the old Act. This is a new thing which has been introduced in the town areas. I should have thought that the burden of proof lay on the Hon'ble the Minister and the Government to show that the absence of such a provision in the town areas which have been working satisfactorily for such a long time has given rise to a situation for which this provision is sought to be made, but he has not given one single instance where the absence of such a provision has caused hardship. He has not shown that the absence of this provision will be really detrimental to the interests of the people who reside in the town areas. In these circumstances I do not think that a sweeping innovation of this kind should be introduced in the town areas which have been working quite satisfactorily for such a long time on the mere plea that a similar provision exists in the municipalities which, as I have said, cannot be compared with the town areas. I therefore heartily support the amendment before the House.

Rai Bahadur Babu Vikramajit Singh : Sir, I do not agree with the views expressed by my honourable friend Rai Rajeshwar Bali on this amendment. I think, Sir, the amendment has been rightly opposed inasmuch as it gives to the town areas wider powers than are enjoyed by the municipal boards or district boards. My honourable friend Rai Rajeshwar Bali has said that no comparison ought to be made because the town areas have got smaller powers and their sphere of action is not so wide as that of the municipalities or the district boards. I think, Sir, that if the wording of this amendment which is exactly on all fours with section 34 of the Municipalities Act were to be scrutinised it will be found

* Speech not revised by the honourable member

that if this clause is inserted it will not hurt the town areas at all because action will be taken when the necessity arises. Now, Sir, it is said that it is not at all necessary to insert this clause inasmuch as it has not been made out by the Government that any necessity has arisen and it is further said that at the time when this Town Areas Act was enacted this clause was not inserted. It would appear, Sir, that the Town Areas Act was not perfect, after it had been enacted it has been found necessary to amend it on so many occasions, and whenever circumstances arose which made it necessary to make certain amendments they have been made. Consequently the mere fact that when in 1914 this Act was enacted a similar clause was not inserted in the Act is no reason why it should not be inserted now. The municipalities are much more advanced bodies and the members sitting on the municipal boards have got greater knowledge and insight into the affairs of administration than is possessed by the members of the town areas. But it was thought necessary, when the Municipalities Act was enacted in 1916, to insert a clause of that nature. There have been occasions when district magistrates and Government have used that clause. There seems to be no necessity why any objection should be raised to the insertion of a similar clause in the Town Areas Act when the outlook of the members of the town areas is not so broad, nor are they so enlightened as the members of the municipal board. I therefore oppose the motion.

Rai Bahadur Babu Awadh Behari Lal: The Hon'ble Minister for Local Self-Government in his argument mentioned that no drastic powers were given to District Magistrates and that they had only to report to the local Government. But the words "Local Government" are not in the clause at all. The District Magistrate only reports to the Commissioner.

The Hon'ble the Minister for Local Self-Government: If the honourable member will please look at sub-clause 2 he will find it there.

Mr. C. Y. Chintamani: Sir, I can congratulate the Hon'ble Minister no more. I would add that the Hon'ble Minister should have been generous enough not to adopt his present attitude in view of certain circumstances, because I do not think it is entirely a matter of "caw me caw thee."

The amendment before the House is most reasonable. The burden of proof is on the other side to show that something has happened which renders it necessary to insert this amendment in the Town Areas Act. It has been stated by one speaker to my left that the Act, when it was passed into law was not a perfect piece of legislation and that from time to time as circumstances demanded amendments had been made. I quite agree. Following the same reasoning I would ask what were the circumstances which had been brought to light by the Hon'ble Minister or his supporters to convince us that it was necessary to insert this amendment? I promise even at this stage, that I shall keep an open mind, provided some light is thrown upon this dark and obscure circumstance. So far no attempt has been made in that behalf. An

[Mr. C. Y. Chintamani]

argument of which much has been made by two or three supporters of Government in this matter was that a similar clause found a place in the Municipalities Act. Let it be remembered that the Municipalities Act was passed 17 years ago by the unreformed Legislative Council.

Pandit Joti Prasad Upadhyaya : What about the District Boards Act.

Mr. C. Y. Chintamani : The District Boards Act was passed a few years later—that seems to be the argument. As regards the Municipalities Act, it is common knowledge that there are many provisions in that Act which have not given satisfaction to the public, and that attempts have been made and will continue to be made to amend them so as to bring that Act into conformity with present requirements and present ideas. As regards the District Boards Act, my answer is simple. It is said that it was passed six years later. Sir, just now there was an exhibition in which two amendments were defeated as usual and the Government with their supporters had a strong majority. That furnishes an explanation as to why legislation has from time to time found its way into the statute book which in our opinion ought not to have done. The reason is, as I have stated, that the opinion of a majority of the members happened to be on that side and therefore it was done. That is not the point. The proper course would have been for motions to have been made, if not by the Government, at least by those who call themselves devotees of constitutionalism and champions of the people's cause, to delete from existing Acts provisions of a reactionary nature which take away most unjustifiably from the powers that should be possessed by local self-governing bodies and confer them upon Government. If instead of doing that, they, calling themselves devotees of constitutionalism and champions of the people's cause, support the Government in taking away with one hand what has been conferred with the other from local self-governing bodies and confer that power on district executive officers, the responsibility is obviously theirs, and no responsibility whatever attaches to us who hold opposite opinions. I want to know why, when the Town Areas Committee proposes to take certain action, the district magistrate should step in. He has all too large powers already, and I shall not be a party to any addition to them as they are not always exercised in the proper manner for want of a true sense of responsibility to the people. I have read the clause carefully, I have heard the speeches in support of the clause as it stands, and I have heard what has been said in support of the amendment, and I am deliberately of opinion that the Council will be doing wrong to the people if it goes out of its way, without necessity established, without justification pleaded for curtailing the powers of the town areas committees and giving to the district magistrates additional powers, powers more than what they already possess. I give my complete support to the amendment.

Rai Bahadur Babu Vikramajit Singh : May I ask the honourable member, who has just taken his seat, as to why in the year 1922 when the District Boards Act was passed he did not object to the insertion of a similar clause at the time, although he was the Minister-in-charge?

Mr. C. Y. Chintamani : In 1922 the honourable member knows that I was not the Minister of Local Self-Government, and I was not the Minister-in-charge of the Bill. Perhaps it would be more relevant for him to explain why, when in 1921-22 and for a number of years afterwards he followed a certain radical line, he has now gone back on it and become so Tory.

Rai Bahadur Babu Jagadeva Roy : I rise to oppose the amendment. In my opinion the reasons which have been advanced by the honourable mover are not at all convincing. It appears to me that the burden of proof lies on my honourable friend, Mr. Brijnandan Lal, to show that there is need for the amendment which he has proposed. It is not enough to say that as there is no provision in the Act for a certain thing which happened, therefore it should be amended. This is mainly the reason why times without number the Municipalities and the District Boards Acts have come to be amended. In proposing amendments relating to the Municipalities Act, the point should have been to exhaust all the possible amendments which could have been taken up, but such is not the case here. In almost every session we find an amendment forthcoming relating to one or another section of these two Acts, i.e. the Municipalities Act and the District Boards Act. It goes to show that the mover of an amendment never takes care to propose all the necessary amendments but puts forward only the amendments in which he is interested. My point is that the burden of proof is on the opposite side and that no case has been made out. There is therefore no necessity of proposing an amendment like this.

Now, looking to the amendment proposed, I find that there are definite grounds given therein. If we look to section 39A(1), we find that the necessity would really arise in a case where "the Town Areas Body and the public differ. What will be the grounds even in those cases where there has been such a clash. The grounds are "such decision, resolution or order is of a nature to cause or tend to cause obstruction, annoyance or injury to the public or to any class or body of persons lawfully employed, or danger to human life, health or safety, or a riot or affray, and may prohibit the doing or continuance by any person of any act in pursuance of or under cover of such decision, resolution or order." So, Sir, the District Magistrate will have to consider whether any of these necessities exist in the case of an order or resolution or decision passed by a certain town area. If he finds that one of these ingredients does exist, only in that case he can pass a prohibitive order, but even then it will be subject to the approval of the local Government. Having regard to the reasons given in this provision, I think it is very much necessary and desirable that this should form part of the Town Areas Act. It cannot be contended for a moment that the object of this amendment will be to decrease the power given to the town areas, because the object of the Town Areas Act is to do good to the public. If we find that certain things were considered by the town areas in a wrong way and that they did not meet with the approval of the public, it was in such cases that the District Magistrate was required to pass prohibitive orders.

Rai Rajeshwar Bali : Can you give instances?

Rai Bahadur Babu Jagadeva Roy : I can give instances of what generally happens. For instance, a certain procession is going to take place in a town area and the town area body is opposed to it, and there is a clash between the public on one side and the town area body on the other. In that case if no prohibitive order is passed by the District Magistrate, the consequence will be that there will be a serious riot. From that point of view it is desirable that the District Magistrate should have power to pass a prohibitive order.

Rai Rajeshwar Bali : Where has that happened?

Rai Bahadur Babu Jagadeva Roy : It may happen tomorrow. As I said at the very beginning, in framing an Act, the idea should not be what has actually happened in the past but what may also happen in the future. That is, all possibilities and probabilities which may occur should be considered and should be provided for. Therefore I oppose the honourable mover's amendment.

The Hon'ble the President : I think it will be better if Khan Bahadur Maulvi Fasih-ud-din instructs the House after the lunch hour.

Before I adjourn I should like to announce the result of the election held earlier in the day. Rai Sahib Rajeshwari Prasad secures the larger number of votes. He is declared elected. I might also say that His Excellency the Governor will come to address the Council on the 5th of July at about 12 noon. The exact hour will be known on the day concerned. But I should like to announce beforehand to honourable members so that they may be in their seats in time.

The next thing that I should like to say is that in the contingency of this Town Areas Bill passing today and the next item no. 8 also being disposed of (of course subject to that contingency), will honourable members be ready with item no. XV, i.e. Supplementary Estimates on the distinct understanding whatever motions for reductions or omissions they may make will be taken on the spot. I do not know whether the honourable members are ready. But if they are, it is my intention to finish the business and adjourn the Council on Wednesday next, otherwise we might have a holiday on the 6th and meet for one day more after that?

Mr. Brijnandan Lal : We want to finish as early as possible.

The Hon'ble the President : I know because the courts have just opened after the vacations, lawyers will perhaps not like to resort to dilatory tactics. So I take it that the honourable members are willing to take up item no. XV.

The Council was adjourned for lunch at 1 p.m.

After recess the house reassembled at 2 p.m. with the Hon'ble the President in the Chair.

The Hon'ble the President : There is just a misunderstanding that I should like to clear up. In the forenoon, I ruled out of order a motion by the Hon'ble Minister for Education on the ground that it was not in the proper form. I understand that an impression has been created that it was the fault of the Hon'ble Minister. I should like to say that

the original form of the motion was, by a mistake of the Council office, used inadvertently, in disregard of my previous ruling on the subject and in disregard of the right form which the Hon'ble the Minister himself had adopted on a similar motion on 12th February, 1931.

Khan Bahadur Maulvi Fasih-ud-din : I think that the clause as it stands is based on very sound principles. It is opposed by some of my honourable friends chiefly on the ground that occasions in which the District Magistrate will have to interfere and cancel the resolution ought to be scrapped, and that occasions are not likely to arise in practice in the actual working of this clause. My friend Mr. Jagadeva Roy has pointed out one instance in which the District Magistrate could interfere and set aside any resolution. I think that this is not a very pertinent instance. There are other instances which have actually come to my notice and of which I have an experience both as a private individual and as an official : and one of those instances is this, that in certain quarters of a town or a city a certain Muslim owns a plot in the area which is inhabited chiefly by non-Muslims, and in another portion of the same town which is chiefly inhabited by Muslims, a Hindu resident owns a piece of land. Now it very often happens that a Muslim wants to build a mosque in that part which is in the midst of the Hindu population, and a Hindu wants to build a temple in that part which is in the midst of the Muslim population. The municipal board sometimes passes a resolution allowing the mosque or the temple to be constructed. In a case of this kind, it is the District Magistrate or the Commissioner who can interfere and cancel the resolution of the board on the ground that it might lead to a riot or a disturbance. A case like that is not improbable. In my opinion it is these cases which this clause is intended to prevent. My friend the Leader of the Opposition says that he was not responsible for the Act when it was passed in 1922. This statement of his has come to many of us, as a great surprise, because we have been all along under the impression that no legislation is sanctioned by the Governor.

Mr. G. Y. Chintamani : I did not say that.

Khan Bahadur Maulvi Fasih-ud-din : I understood him to mean that he was not responsible for the passing of this Act. But if he was, then in that case I think he cannot now oppose this section in the Bill. He must have voted so far as I think for the passing of this section, and he does not give any reasons for changing his views on the subject. He has said that the Leader of my party who used to be liberal has turned a Tory. I think he said he used to have advanced views and now he has become a Tory. Am I to understand that by giving his consent to this section of the District Boards Act, Mr. Chintamani was a Tory, and that he now has advanced views? I hope that this House will pass this very salutary clause.

Munshi Gajadhar Prasad : I rise to support the amendment of my honourable friend Mr. Brijnandan Lal. During the course of the discussion that has preceded on the floor of this House the question of onus of proof has been introduced. One gentleman seems to think that the onus is on Government, to prove that an insertion of a clause like this

[Munshi Gajadhar Prasad]

is necessary. Since Government wants a new clause to be introduced I think that it is plain enough that Government ought to make the position quite clear. My honourable friend to the left, Babu Jagadeva Roy, seems to think that the onus of proof lies just the other way about. I may be pardoned on this occasion for talking of another salutary provision of law, namely that when the parties have tendered evidence, the question of the onus of proof absolutely disappears.

Rai Bahadur Babu Vikramajit Singh : May I ask where is the evidence?

Munshi Gajadhar Prasad : I am coming to the point. We have had before us the speech of the Hon'ble the Minister, and so far as I recollect—I speak subject to correction—not a single case has been quoted in which the non-existence of the clause which is sought to be inserted has proved to be absolutely necessary, or any loss may have been occasioned because that particular clause does not exist in the Act. One would have expected that cases should have been cited before the House showing that real mischief has been done because of the absence of this particular clause. It would have been very easy to cite figures before us to show cases in which chairman of town areas have not acted properly or have abused their powers. But not a single case has been cited so far. Some probabilities have been discussed by some honourable members. But we have to deal with facts and figures and not with probabilities, and in order to come to a decision on an important subject like this it was absolutely essential that some cases should have been brought to the notice of this House. I do not think that in the absence of cases being cited either by Government or even by honourable members who have delivered speeches in support of the clause on the floor of this House, a clear case has been made out. It has been urged that a similar clause exists in the Municipal and District Boards Acts. This is hardly relevant. I would submit with great respect that a plea like this is neither here nor there. One may say that a clause like this existed in a certain Statute of Parliament. We have to deal with circumstances of a particular locality and we should not travel beyond the extent of that locality. I would await a reply from Government if they can really make out a case by citing instances before the House, before we make up our minds finally.

Mr. Brijnandan Lal : I have listened to the Hon'ble the Minister for Local Self-Government very attentively. As has been pointed out by Munshi Gajadhar Prasad, he has not given a single instance in which a Town Area requires a provisions of this sort. Suppose I run up to an honourable member on the opposite benches and tell him, "You require supervision, you are a lunatic," surely it would be for me to show whether that gentleman requires supervision or not. It has been pointed out by Khan Bahadur Maulvi Fasih-ud-din that a Muslim may want to build a mosque where Hindus might object, or a Hindu may want to build a temple where Muslims might object. But, Sir, the Act has been in existence for a long time. If these cases have not occurred so far, I do not see how he can imagine all these things. If such cases do occur, it will be possible to amend the Act as is being done today.

It is not really wise to imagine all kinds of things and to impose so many restrictions on these self-governing bodies. It has been pointed out by the Rai Bahadur from Ghazipur that certain words in the clause restrict its operation. He has pointed out these words "If the decision or order is of a nature to cause or tend to cause obstruction, annoyance or injury to the public or to any class or body of persons lawfully employed." I submit that these words are very vague indeed. For example take the word "annoyance." If a District Magistrate wants to create trouble, he can very well do it. For instance, if a Town Area wants to build a road or to repair a road. It may cause annoyance or obstruction to a body of employees in the office of the District Magistrate. Surely he could take action under this and suspend the order of the Town Area for repairs. The words in this clause are not at all a safeguard and the clause gives too wide a power to the District Magistrate to use it as he likes.

It has been said that riot might occur. I do not know what a riot has got to do with the Town Area Act. As has been pointed out by Khan Bahadur Maulvi Fasih-ud-din, the instance of a riot has nothing to do with the question before us.

It has been said by Rai Bahadur Babu Vikramajit Singh that a similar provision exists in the Municipalities Act and that it has been incorporated in the District Boards Act. That is no argument. If a certain Act happens to be defective, there is no reason why all these Acts should incorporate the defects of the previous Act. As has been pointed out by Rai Rajeshwar Bali, their functions are much wider. As was pointed out by my leader, the Municipalities Act is much older than the Reforms and probably when the District Boards Act was enacted, they imitated it and nobody saw the seriousness of it. This Act itself did not have this provision and if there has been no incident so far which required it, where is the need for this clause now? Rai Bahadur Babu Vikramajit Singh has been a colleague of my father and it is very difficult for me to criticise him. When a young man misbehaves, the old people can correct him, but when they themselves misbehave, I do not know what we are to do. He is not much to blame. I suppose it is the age

Rai Bahadur Babu Vikramajit Singh: I rise to a point of order. Is expressing an opinion on a particular question considered to be a misbehaviour? Is that what my honourable friend is driving at? If anyone disagrees with him or his leader, is it misbehaviour?

Mr. Brijnandan Lal: I will explain. A very short time ago he was my colleague, he was a member of the Nationalist Party . . .

The Hon'ble the President: In any way there should not be any personal attacks.

Mr. Brijnandan Lal: I am simply saying this that this was the measure about which we expected that he would be with us . . .

Rai Bahadur Babu Vikramajit Singh: Not with you when you are wrong.

Mr. Brijnandan Lal: This is a question for the Council to decide whether I am in the wrong or he is in the wrong. Sir, as a matter of fact . . .

The Hon'ble the President: Order, Order. Will the honourable member come to the point. I will not allow these personal references.

Mr. Brijnandan Lal: The only argument that has been advanced against my amendment is that the provision exists in other Acts. I do not think that if other Acts are defective, the defects of those Acts should be embodied in this Act. With these words I press my motion.

The Hon'ble the Minister for Local Self-Government: Sir, I do not wish to take the time of the House for very long. I will just take up a few points that were raised by the Leader of the Opposition, by my friend Rai Rajeshwar Bali, the Deputy Leader of the Opposition and Mr. Gajadhar Prasad, the representative of the University. The Rai Sahib has made much of the point that the town areas have very little powers and as such the operation of the Town Areas Act is so limited that it is highly undesirable probably to bring in this section on the analogy of the sections that are embodied in the Municipalities Act and the District Boards Act. My friend is aware that the Town Areas Bill was brought forward by a non-official agency and by no less a person than my friend Mr. Mehrotra with the result that the Town Area constitution has been considerably improved. It has been put on an elective basis. Powers have increased. Steps have been taken to make it as self-contained as possible. Unfortunately its power of taxation has been limited with the result that its development is hampered by the limitation of its own sources of income. This is the position in a nutshell so far as town areas are concerned. There is the power to deal with conservancy; there is the power to deal with sanitary arrangements; there is the power to deal with public health affairs and this is the main activity of this local body.

Rai Rajeshwar Bali: What have they got to do with riots and affrays?

The Hon'ble the Minister for Local Self-Government: They might arise. Suppose there is some *chabutra* or there is a building which the panchayat wants to remove and in the public interest probably it is undesirable to remove that particular construction; and the panchayat takes its stand on the plea that in the interests of sanitation or in the interests of public health or with a view to build a certain road or with a view to widen the road, that particular construction should be removed, that may lead to anything.

Shaikh Muhammad Habibullah: They cannot do it under the law.

The Hon'ble the Minister for Local Self-Government: As things stand at present they have got remedies in their hands. There is not the least doubt about it. They have certainly got powers to deal with these questions of sanitation and public health to the widest extent. It can be said as there is sufficient proof that the operation of similar sections in the Municipalities Act and the District Boards Act has proved very wholesome indeed. Experience tells us that it has really amounted to guiding local bodies in not committing mistakes. It has helped them to

improve their administration, and if that object has been achieved by these wholesome sections of the Municipalities and District Boards Acts, there is no reason why a similar wholesome section should not be embodied in this Act. This will certainly help the panchayats to carry on their administration more efficiently and will avoid being brought into conflict with the public. It will really protect the legitimate interests of the public against the high-handedness of the panchayats to which they may resort in certain circumstances. My friend, the Leader of the Opposition, has said that this really means a curtailment of the liberties of the local bodies and as such it was highly undesirable in the public interest to do anything that was likely to place restrictions on the scope of their activities and freedom to carry out their duties and responsibilities untrammelled by any highhanded action of the Government. I have put the case at its highest from the point of view of the Leader of the Opposition. May I, however, point out to him that if we want the aid of these sections occasionally and very rarely indeed, it is with a view to help them to discharge their duties and responsibilities in an efficient manner and not to make them liable to criticism from the public. In fact we want them to manage their affairs in a manner which will evoke praise from the public rather than be brought into contempt in the public eye on account of their acting in a wrong and high-handed manner. Unwittingly they may commit blunders which may bring discredit on them in the eyes of the public.

My friend the member for the University talked much of the onus of proof. I thought that in the absence of any evidence the question of onus does not arise at all. This has been pointed out by no less a person than the Leader of the Constitutional Party. If the question of onus could arise at all, the onus is on my friend the member for the University, to prove the futility of this amendment and also to prove that similar sections in the Municipalities and District Boards Acts have been useless and have not had any wholesome effect on the administration of the local bodies. That point has not been made at all. On the other hand, our experience has shown that they certainly help the local bodies to carry on their administration on a much higher level which naturally the public has every right to demand. Therefore if my friend finds certain difficulties in finding specific instances where such sections are needed, he should have at least felt that the experience of similar sections in the Municipalities and District Boards Acts makes it desirable to have an amendment like this in the Town Areas Act also, so that the town areas, which are self-governing bodies, should not be brought under criticism for mistakes which they may happen to commit either for lack of experience or on account of bitter feelings that may be prevailing among them. Therefore, Sir, if we find that similar sections have had a very salutary effect on the administration of local bodies, this amendment here is highly desirable in the interests of the public. No harm can possibly come to them. On the other hand it is bound to lead to the well-being of the local bodies, which are after all, as has been pointed out by the member for Cawnpore, still in an undeveloped state. If we should do anything at all, we should place

[The Hon'ble the Minister for Local Self-Government.]

more funds at the disposal of the town areas, so that their activity might be more in the beneficial direction rather than lead to petty squabbles. With these words, Sir, I very much regret, I have to oppose this motion strongly.

***Rai Rajeshwar Bali:** Will the Hon'ble the Minister kindly mention one single instance where the need of such a provision arose in 200 and odd town areas during these several years that the town areas have been in existence?

The Hon'ble the Minister for Local Self-Government: There have been cases where District Magistrates have had to step in and instances have already been pointed out by no less a person than my friend Maulvi Fasih-ud-din. Mr. Jagadeva Roy also pointed an instance. There is no occasion for me to mention any more cases for the present purposes. If the honourable member wants me to furnish him this information, I shall be very glad to do so, but I shall ask him to give me notice for that.

***Rai Rajeshwar Bali:** They have not given a single instance. I want the Hon'ble the Minister to give me a single instance where the need of such a provision arose in any of these town areas.

The Hon'ble the Minister for Local Self-Government: I may quote for the information of the honourable member that in Mau Aima a local tax was imposed, and that led to the intervention on the part of the District Magistrate, but for that it might have led to very serious consequences.

***Rai Rajeshwar Bali:** Did the District Magistrate take action under the powers which he did not possess?

The Hon'ble the Minister for Local Self-Government: It may be so, but the fact is there and the point is established that necessity will arise and is bound to arise.

***Rai Rajeshwar Bali:** District Magistrate has already got powers.

The Hon'ble the President: The amendment moved was that clause 22 of the Bill be deleted.

The question is that clause 22 stand part.

The question was put and agreed to, the House having divided as follows: Ayes 58, Noes 11.

Ayes:

Abdul Bari, Khan Bahadur, Mr. Muham-	Clay, Mr. J. M.
mad.	Carleton, Captain K. O.
Abdul Hasan, Saiyid.	Dhakan Lal, Rai Sahib, Kunwar.
Afzal-ud-din Hyder, Shaikh.	Drake-Brockman, Mr. D. L.
Ahmad Shah, Mr. E.	Fasih-ud-din, Khan Bahadur, Maulvi.
Ain-ud-din, Khan Bahadur, Saiyid.	Frampton, Mr. H. J.
Allsop, Mr. J. J. W.	Ghasita, Chaudhri.
Baldeva, Chaudhri.	Girwar Singh, Kunwar.
Bhondan Ram, Mr.	Habibullah, Khan Bahadur, Maulvi.
Bikram Singh, Rao Bahadur, Thakur.	Saiyid.
Birendra Bikram Singh, Raja.	Hadiyar Khan, Khan Bahadur, Muham-
Bisheshwar, Daya Sen, Bar Bahadur,	med, Rao, Mr.
Kunwar.	Hari Kishan, Mathur, Mr.
Blunt, The Hon'ble Mr. E. A. H.	Hridaya Hysani, Khan Bahadur, Hafiz.
Brij Lal Bahadur, Bar Bahadur, Mr. H.	Hridaya Hysani, Khan Bahadur, Hafiz.

**Speech not recorded by the Hon'ble member*

Imtiaz Ahmad, Khan Sahib, Muhammad.
Jagannath, Chaudhri.
Jagadeva Roy, Rai Bahadur, Babu.
Jagdish Prasad, The Hon'ble Kunwar.
Jamshed Ali, Khan, Captain Nawab, Muhammad.
Joti Prasad Upadhyaya, Pandit.
Jwala Saran Kothiwala, Rai Sahib, Sahu.
Kamta Nath, Babu.
Kharegat, Mr. P. M.
Lane, Mr. H. A.
Mackenzie, Mr. A. H.
Maqsood Ali Khan, Khan Bahadur, Muhammad.
Mason, Mr. P.
Masud Ali Khan, Mr.
Muhammad Yusuf, The Hon'ble Nawab Sir.

Narsingh Rao, Rao.
Perma, Mr.
Phul Chand Mogha, Rai Bahadur, Babu.
Pratap Bhan Singh, Rao Bahadur, Thakur.
Rahmat Khan, Mr. Muhammad.
Ram Adhin, Chaudhri.
Ram Chandra, Chaudhri.
Ram Dayal, Chaudhri.
Rama Charana, Rai Sahib, Babu.
Sathe, Mr. J. L.
Shiva Pati Singh, Rai Bahadur, Thakur.
Srivastava, The Hon'ble Mr. J. P.
Suraj Din Bajpai, Rai Bahadur, Pandit.
Surendra Pratap Sahi, Rai Bahadur, Kunwar.
Vikramajit Singh, Rai Bahadur, Babu.
Zahid Ali Sabzposh, Khan Bahadur, Saiyid.
Zahur Ahmad, Mr.

Noes :

Brahma Dutt, Pandit, *alias* Bhaiya Sahib.
Brijnandan Lal, Mr.
Chintamani, Mr. C. Y.
Gajadhar Prasad, Munshi.
Jagbhen Singh, Kunwar.
Nazar Husain Shah.

Obeidur Rahman Khan, Khan Bahadur, Haji Muhammad.
Prem Ballabh Belwal, Pandit.
Rajeshwar Bali, Rai.
Rajeshwari Prasad, Rai Sahib.
Ram Bahadur Sakseena, Babu.

CLAUSE 9

(See page 304 *supra*.)

Shaikh Muhammad Habibullah : Sir, I beg to move that the following proviso be added to clause 9 :

"Provided that the removal of the Chairman shall be subject to the sanction of the local Government."

The Hon'ble the President : No notice of this amendment was given. Is there any objection to its being moved?

(No objection having been raised, the amendment was allowed to be moved.)

Shaikh Muhammad Habibullah : Sir, I beg to move that the following proviso be added to clause 9 :

"Provided that the removal of the Chairman shall be subject to the sanction of the local Government."

It was urged that the removal of the Chairman should not be subjected to the order of the Commissioner inasmuch as a Chairman of a Town Area is an important person. There was, so far as I understood, unanimity about the removal of the members by order of the Commissioner, but the removal of the Chairman being an important matter it is only desirable that in the case of the removal of the Chairman the power should not rest with the district authorities or with the Commissioner but that it should rest with the local Government.

Mr. Brijnandan Lal : In view of the fact that Shaikh Habibullah's amendment is not being opposed by Government I beg to withdraw my amendment.

The Hon'ble the Minister for Local Self-Government : I accept the amendment of Shaikh Habibullah.

The Hon'ble the President: The question is that at the end of clause 9 the following proviso be added :

“Provided that the removal of the Chairman shall be subject to the sanction of the local Government.”

The question was put and agreed to.

Mr. Brijnandan Lal's amendment no. 1 was, by leave, withdrawn.

The Hon'ble the President: The question is that the clause 9 as amended stand part.

The question was put and agreed to.

CLAUSE 10

10. For sub-section (2) of section 7A of the principal Act the following sub-section shall be substituted and in the proviso thereunder the words “or chairman” shall be added after the word “member”:

“(2) A member or chairman removed under this section shall not be eligible for further election or nomination as a member or chairman for a period of four years from the date of his removal.”

Rai Bahadur Babu P. C. Mogha: I move a consequential amendment in consequence of the amendment which we have just carried; by adding a proviso to clause 9 we have given Government power to remove a chairman, and therefore the consequential amendment will be that from clause 10 the following words be deleted “and in the proviso thereunder the words ‘or chairman’ shall be added after the word ‘member’.” This was intended to give power to the local Government to hear appeal from an order of the Commissioner removing a chairman, but as Government now have power to remove the chairman there is no need for appeal.

The Hon'ble the President: The question is that from clause 10 the following words be deleted “and in the proviso thereunder the words ‘or chairman’ shall be added after the word ‘member’.”

The question is that these words stand part.

The question was put and negatived.

The Hon'ble the President: The question is that clause 10 as amended stand part.

The question was put and agreed to.

CLAUSE 11

11. In sub-section (3) of section 8A of the principal Act the word “removal” shall be inserted after the word “death”: and in clause (b) of sub-section (7) of the same section the words “and any other dues” shall be added after the word “tax.”

Mr. Erijnandan Lal: (Clause 11) That also is consequential, Sir, I withdraw my amendment.

The Hon'ble the President: Is there any other amendment to clause 11?

(After a pause.)

The Hon'ble the President: The question is that clause 11 stand part.

The question was put and agreed to.

CLAUSE 1.

This Act may be called the United Provinces Town Areas (Amendment) Act, 193 .
Short title.

The Hon'ble the Minister for Local Self-Government: Sir, I beg to move that in clause 1 for the figures 193 the figures 1933 be substituted.

The Hon'ble the President: The question is that in clause 1 for the figures 193 the figures 1933 be substituted.

The question was put and agreed to.

PREAMBLE

Whereas it is expedient to amend the United Provinces Town Areas Act, 1914, for the purposes hereinafter appearing :
Act II of 1914.

It is hereby enacted as follows :

The Hon'ble the President: The question is that clause 1 and the preamble stand part.

The question was put and agreed to.

The Hon'ble the Minister for Local Self-Government: Sir, I beg to move that the Bill to amend the United Provinces Town Areas Act, II of 1914, as amended be passed.

Raj Rajeshwar Bali: Sir, in view of the fact that they have made certain amendments in the Bill I raise an objection to this motion being made today.

The Hon'ble the President: Are they of such an important nature?

Raj Rajeshwar Bali: Yes, Sir, some of them are.

The Hon'ble the President: An objection having been raised that the Hon'ble the Minister cannot make the motion today, I uphold that objection. Let the Hon'ble the Minister come with that motion tomorrow.

A BILL TO AMEND SECTION 14 OF THE U. P. TOWN AREAS
ACT, II OF 1914.

The Hon'ble the Minister for Local Self-Government: Sir, I beg to introduce a Bill* to amend section 14 of the United Provinces Town Areas Act, II of 1914.

(After a pause): Sir, I beg to move that the Bill to amend section 14 of the United Provinces Town Areas Act, II of 1914, be referred to a select committee, and (2) that for this Select Committee the following members be elected :

- (1) Chaudhri Ram Adhin.
- (2) Pandit Shri Sadayatan Pande.
- (3) Pandit Brahma Datt alias Bhaiya Sahib.
- (4) Khan Bahadur Saiyid Jafer Hosain.
- (5) Shah Nazar Husain.

(*See Appendix C, 343, infra.)

The Hon'ble the Minister for Local Self-Government.]

(6) Rai Sahib Babu Rama Charana.

(7) Rai Bahadur Babu Phul Chand Mogha.

(8) Mr. P. Mason.

(9) Pandit Joti Prasad Upadhyaya.

Rai Bahadur Babu Vikramajit Singh: Sir, I propose the name of Khan Bahadur Maqsud Ali Khan.

The Hon'ble the President: May we not take the personnel of the select committee a little later. It is better to dispose of the first part of the motion first, that the Bill be referred to a select committee.

The question is that the Bill to amend section 14 of the United Provinces Town Areas Act, II of 1914, be referred to a select committee.

The question was put and agreed to.

Rai Bahadur Babu Vikramajit Singh: Sir, I propose the name of Khan Bahadur Maqsud Ali Khan.

Pandit Joti Prasad Upadhyaya: Sir, I withdraw my name and propose the name of Kunwar Girwar Singh instead.

Mr. Bhondur Ram : मैं मिस्टर परमा राम को propose करता हूँ ।

Chaudhri Jagannath : मैं समर्थन करता हूँ ।

Rai Bahadur Babu Jagadeva Roy: Sir, I propose the name of Chaudhri Bharos.

The Hon'ble the President: I hope the honourable members are proposing names seriously. I may point out one thing and that is that if more than eleven names are proposed an election by means of a single transferable vote will have to take place.

Mr. Zahur Ahmad: Sir, I propose the name of Khan Bahadur Saiyid Habibullah.

Mr. Ram Bahadur Saksena: Sir, I propose the name of Pandit Prem Ballabh Belwal.

Chaudhri Bharos : मैं अपना नाम वापिस लेता हूँ ।

The Hon'ble the President: Are there any more withdrawals?

(After a pause.)

Thirteen names have been proposed for eleven vacancies, viz.

(1) Chaudhri Ram Adhin.

(2) Pandit Shri Sadayatan Pande.

(3) Pandit Brahma Dat *alias* Bhaiya Sahib.

(4) Khan Bahadur Saiyid Jafer Hosain.

(5) Shah Nazar Husain.

(6) Rai Sahib Babu Rama Charana.

(7) Rai Bahadur Babu Phul Chand Mogha.

(8) Mr. P. Mason.

(9) Kunwar Girwar Singh.

(10) Khan Bahadur Maqsd Ali Khan.

(11) Mr. Perma.

(12) Khan Bahadur Saiyid Habibullah.

(13) Pandit Prem Ballabh Belwal.

Election by means of single transferable vote will therefore be held tomorrow between the hours 2 and 4 p.m.

We will pass on now to item XV.

DEMANDS FOR SUPPLEMENTARY GRANTS, 1933-34.

The Hon'ble the Finance Member: I rise to announce to the Council the recommendation of His Excellency the Governor that under the head 31—Education a sum of Rs.4 be granted, and I move that the sum be voted.

Khan Bahadur Hafiz Hidayat Husain: Sir, I regret very much that I was delayed in sending my cut on this demand. But may I ask a question of the Director of Public Instruction regarding the Allahabad University? I only want to ask the Director of Public Instruction or the Hon'ble the Minister to state what has happened to my cut regarding facilities for the study of Muslim philosophy in the Allahabad University which was carried last March in Council. I am informed, Sir, that the Vice-Chancellor has since strongly written to the Government for grant of sufficient funds for the study of Muslim philosophy in the University and that three or four students have applied for admission to the class, but they could not be admitted as Government had not so far placed the money at the disposal of the University. May I know why the Government has not included the small sum of three thousand rupees required for the purpose and which on my motion was passed by the Council last March, in the supplementary estimates now before the House?

The Hon'ble the President: I am afraid, as far as that question is concerned, it is not in order. I had said so many times in connexion with supplementary estimates that only matters arising out of that particular item could be discussed, nothing more and nothing less. As this point does not arise out of the grant before us the question does not arise. If the honourable member wants to oppose the grant on the ground that certain other things have not been done, that is another matter.

Shaikh Muhammad Habib-ullah: Can I rise in support of the grant?

The Hon'ble the President: Certainly.

Shaikh Muhammad Habib-ullah: I am very glad that a grant of this nature has been brought forward by the Hon'ble the Minister for Education. During the last two or three years howsoever important an item sent up by an University to Government for sanction has received the ready answer "Funds not available". Why funds have been available in this particular case I can only guess. I was told that the Hon'ble the Minister for Education paid a visit to the Physics Department of the Allahabad University and there he was shown how matters stood. Being a student of science he made himself familiar with the true state of affairs at the University, and obtained in this matter all necessary information from the head of the department. Indeed it was all a matter of good luck for

[Shaikh Muhammad Habib-ullah.]

the Allahabad University. I hope that the Hon'ble Minister and the Director of Public Instruction will find out similar needs of other universities. The Allahabad University is the oldest university in the province. It has only recently been reorganized. The other universities however are only infant universities at the present moment, and it seems to me that need for financial assistance in their cases is much more pressing than in that of the Allahabad University. With these few remarks I support the motion now before the Council.

M. Gajadhar Prasad : I rise to congratulate the Hon'ble the Minister for Education on having thought of the Allahabad University and come up before the Council for a grant to the Physics department. As has been pointed out in the Explanatory Memorandum, the work of this department has for some time past been carried on in the verandahs. The demand for accommodation has been made since 1928. The Physics department is under the control of Dr. M. N. Saha. He is a Physicist of international reputation, and his researches have been appreciated throughout the world. This, Sir, is the reason why the Physics department of the Allahabad University is so popular. It attracts students from all over the country, and it would have been a great misfortune if the University had not been given suitable accommodation to carry on its research work. At the same time I do not wish to stand in the way of other Universities, and I shall indeed be very pleased if a similar grant is made to the Lucknow University. For the present I am very grateful to the Government for having responded to the crying need of the Allahabad University, and I wholeheartedly support the motion.

The Hon'ble the Minister for Education : I am very glad that this demand has met with the approval of the House. As pointed out by Shaikh Habib-ullah Sahib, I visited the Allahabad University and I saw with my own eyes under what difficult conditions the work was being done in the Physics department. The Physics department of the Allahabad University is unique in some respects. It has at its head a man of the reputation of Dr. Meghnad Saha, who is a member of the Royal Society and whose researches have earned international reputation. He has very few facilities for carrying on his work, and in fact he was so fed up with the whole thing that he was thinking of leaving us. That would have been a misfortune. Then, Sir, I must give preference to Allahabad, and this for two reasons : Firstly the Allahabad University is my *Alma Mater* and secondly Allahabad is the capital of the province. I know that Lucknow also has its needs, and we shall certainly look into them sympathetically. I have visited the Lucknow University too. I have not been oblivious of my duty towards that university. The Hon'ble the Finance Member of course is getting frightened with these visits of mine, because I come down on him with demands for money. But I must thank him for having found us this money which is so very greatly needed.

The Hon'ble the President : The question is that a sum of Rs.4 be granted for "Education".

The question was put and agreed to.

The Hon'ble the Finance Member: Sir, I beg to rise to announce to the Council the recommendation of His Excellency the Governor that under the head of account "55—Capital outlay on irrigation and hydro-electric works not charged to revenue" a sum of Rs.30,010 be granted and I move that that sum be voted.

I may explain that though it looks a large sum, it is not really so. This sum of Rs.30,000 is required for the Kasganj project, but will be repaid to Government in another form. So it costs Government nothing at all.

Khan Bahadur Haji Muhammad Obaidur Rahman Khan: Sir, there are two proposals . . .

The Hon'ble the President: If the honourable member wants to move a cut. he may do so first.

Khan Bahadur Haji Muhammad Obaidur Rahman Khan: Sir, I want to oppose it.

Under this head there are two proposals before the Council. The first proposal is about Kasganj electrification. As is stated in the explanatory memo. this demand was put before the Council during the budget session, but it was postponed for the next year. Now the Hon'ble the Finance Member has come forward again and wants the Council to grant this sum for that purpose. My objection, however, is as to what was the hurry for coming forward at this moment and presenting a supplementary estimate soon after the budget session. The Government could wait for another year. Let us see how this scheme will work in other places. The sum which they have asked for this purpose they have allotted to the extension at Bahadurabad. Let that work be completed first, and then if it is considered necessary to spend such a heavy sum for the electrification of Kasganj they could provide it in the next year's budget. Was there some representation from the Kasganj people?

The Hon'ble the Finance Member: Yes.

Khan Bahadur Haji Muhammad Obaidur Rahman Khan: Did they hold any meetings and send resolutions to the Government? Or did the Municipal Board emphasize its necessity upon the Government and how far is the Municipality prepared to divide the burden? It is true that the Government will spend from savings this year, but they will be committed to the scheme and will have to spend a large sum of money next year. The profits which they expect are very big indeed, and let us hope that these expectations will be realized. I believe that the Hon'ble the Finance Member has scrutinized the scheme very carefully.

The second point is about writing off Rs.18,000 . . .

The Hon'ble the Finance Member: That, I may say, is under another grant.

Khan Bahadur Haji Muhammad Obaidur Rahman Khan: Then I have nothing further to add for the present.

Shaikh Muhammad Habib-ullah : Sir, this demand reveals really a most profitable investment. May I know whether this hydro-electric scheme since its inception has ever produced the results, as are explained in the note of the Hon'ble the Finance Member . . .

The Hon'ble the Finance Member : Better results.

Shaikh Muhammad Habib-ullah : I hope the Finance Member is not duped in this hope by, what I may call, the trading skill of others. If, as the Hon'ble the Finance Member assures me that he has seen better results by investing money on objects of this kind, I would welcome it, but I would rather ask the Government not to spend any money until they get a dividend on what they have already invested. I doubt if the investment, as has been explained in this note, will bring about such a net income as has been anticipated. I have always said that in the matter of investment in the hydro-electric scheme we should move with care and caution. It is not only myself but it is the Audit department which has given a note of warning and I hope that that note of warning will be borne in mind by the Finance Department. There is no doubt that schemes like this should be encouraged. But when other necessities arise and the Government is called upon to pay money then the reply is that no funds are available, but if things come from a department in which the Government have committed themselves, and cannot help avoiding expenditure, then money will be forthcoming. I hope the Hon'ble the Finance Member will understand my intention in this matter. I have not stood up in a spirit of opposition. I am talking in a most friendly spirit and I wish to warn the Finance Department that they should be very careful in investing further sums of money unless some practical results are shown by such investments.

Rao Bahadur Thakur Bikram Singh : With your permission, Sir, I wish to say a few words to Shaikh Habib-ullah Sahib on the subject. The difficulty that I have come across is that when a line of this kind is contemplated to be constructed it involves pretty good amount of time and labour to the officers concerned, and naturally therefore it takes some time to bring the whole project before the House for sanction. On the other hand I wish to let the Shaikh Sahib know that I am personally aware that the Kasganj Municipal Board is very desirous and keen on having this scheme carried out as soon as possible. There is no doubt that the people of those areas which have so far been benefited or are likely to be benefited are in a great hurry to see this hydro-electric line expanded as soon as possible. With all respect I wish to point out to the Shaikh Sahib that if he were to visit the grid area he will see that the people are in great need of having this hydro-electric line for the benefit of their land, and then he will be convinced that there is justification for passing this grant. I also observe that neither my friend Khan Bahadur Maulvi Obaidur Rahman Khan Sahib nor the Shaikh Sahib have opposed the grant, they simply have said (I may be corrected if I am wrong) that there is no violent hurry. But if they will go a little deeper they will find that when promises are made to the likely consumers they naturally want that the work may be done as early as possible.

So, Sir, I would strongly urge that in all fairness this sum should be allowed, so that the line may be constructed, and I am sure the Municipal Board of Kasganj will be immensely benefited.

I have no more word to say. It is very likely that this hydro-electric scheme may very well begin to pay in commercial lines from next year, and those who are concerned and are connected with this important scheme desire that lines may be constructed where they are needed. I do not think there could be any better scheme than the hydro-electric for agriculturists when there are no canals I strongly feel that we must all encourage its expansion.

Khan Bahadur Maulvi Fasih-ud-din: Sir, I support this demand on two grounds, one artistic and the other altruistic. First because that the hydro-electric scheme has been successful in all parts of the province in which it has been introduced and has supplied electricity at a much cheaper cost than the electric supply companies in the towns have been doing and it has not only lighted the towns and streets, but it has helped in the matter of the extension of irrigation. If the Municipal Board of Kasganj wants to have that scheme introduced within the limits of the Municipal Board, I do not see any reason why we should grudge that Board the scheme which it wants to introduce and why should we stand in the way of the Municipal Board of Kasganj in improving its town by means of electricity. As for the other reason, I mean the altruistic reason, I think if this scheme extends as far as Kasganj, it will very likely come to Budaun itself. Budaun is a district which is almost dry with no means of irrigation and with a subsoil which makes it difficult for urgent wells to be dug, and nearly 75 per cent. of the area of that district is dry. So if that scheme is introduced in my own district, it will be very advantageous to the people of Budaun and they will bless the Government for bringing that scheme into a dry district like Budaun.

The Hon'ble the Finance Member: My honourable friend, Shaikh Habib-ullah, has a habit of crying wolf so far as the hydro-electric scheme is concerned. Well, Sir, I am going to pass an Ordinance of my own; I am going to arrest him under it, and I am going to take him on tour with me through the hydro-electric area. His sentence will be about ten days. And I can assure him that at the end of those ten days his habit of crying wolf will disappear altogether.

As regards figures, he wants to know if all my prognostications have been fulfilled. Our trouble is that they have been fulfilled a great deal too well. To quote an actual figure. We budgeted last year for Rs.9 lakhs revenue from the hydro-electric scheme, and we actually got nearly 10½ lakhs. This year, we have allotted 3 lakhs for electrifying tube-wells belonging to landlords, but we have already got demands for 4 lakhs worth. And so on, all the way through, I am told. This year again we budgeted I think for 12 lakhs revenue, but if things go on at their present rate, it will be nearer 14 lakhs. And if it is nearer 14 lakhs then in all probability there will be no question whatever that the department will be not only paying in the essentially irrigation sense, but will be commercially paying: that is to say, it will cover all

[The Hon'ble the Finance Member.]

its maintenance expenses and its interest. As for the Audit Department, I understand the Audit Department's objections were mainly directed to the form of accounts. But in any case that matter is coming up before the Public Accounts Committee, and my honourable friend will be able to see and say that that he wishes to see and say then. As for this particular scheme, the Maulvi Sahib wanted to know whether Kasganj wanted it. Eversince we said, regretfully at budget time that we did not think we could do it this year. I have been absolutely pestered by Kasganj. The Chairman has seen me half a dozen times already; or rather though when perhaps he has not actually seen me so often I have seen him. The position is that the scheme had been passed by the Finance Committee, and was placed in the budget. Then we became afraid that we should not be able to provide the power. For this reason we diverted our money from the scheme to the power. It is obviously no good starting a fresh scheme until we have got power to give it. Now Mr. Stampe has discovered that thanks to the vagaries of exchange and the fall of prices he can get his power plant for about Rs.30,000 less than he expected, and is pressing us to get on with this Kasganj scheme, chiefly, I imagine, because Kasganj is pressing him. At all events Kasganj wants it very badly indeed. It will certainly pay, because in this case, so far as Kasganj is concerned, the revenue is guaranteed. As for the Nadrai pumping, if it is anything like the Ramganga or Kali Nadi, it will certainly pay. Personally, I have no fear whatever that the hydro-electric scheme as a whole will pay. But I have no hesitation in saying what I said on a previous occasion, that I do not care tuppence whether it will pay or not pay. It is so profitable a project for the agriculturist that it is well worth Government's while to lose a little money on it. As for Khurja, nobody has objected to that. As a matter of fact, as I explained just now, we are paying Rs.30,000 for certain transformers, and this will be at once paid back to us in repayment of our loan. So the net result of that transaction is that Government is *plus* these transformers.

(Rai Bahadur Awadh Behari Lal and the mover rose.)

The Hon'ble the President : The Hon'ble the Finance Member having replied I do not think that Khan Bahadur Haji Obaidur Rahman Khan can speak now. He never moved a motion: he only opposed it. He has therefore no right of reply. This is exactly the difficulty. If the honourable member had moved a regular cut, he could have had a right of reply but, as it is, the position is that the original mover having replied no further debate arises. Nor can M. Awadh Behari Lal speak now.

The question is that a sum of Rs.30,010 be granted for construction of irrigation works—hydro-electric.

The question was put and agreed to.

The Hon'ble the Finance Member : I rise to announce to the Council the recommendation of His Excellency the Governor that under the head 41—Civil Works—Works outlay a sum of Rs.10 be granted, and I move that the said sum be voted.

The Hon'ble the President: The question is that a sum of Rs.10 be granted for expenditure on public works charged to revenue.

The question was put and agreed to.

The Hon'ble the Finance Member: I rise to announce to the Council the recommendation of His Excellency the Governor that under the head 41—Civil Works—Grants-in-aid, a sum of Rs.20,000 be granted, and I move that the said sum be voted.

I may explain that this is merely a transfer from one head to another. There will be savings under repairs to communications under Civil Works, and the amount will be a transfer to the grant 41—Civil Works—Grants.

The Hon'ble the President: The question is that under Grants-in-aid for Civil Works a sum of Rs.20,000 be granted.

The question was put and agreed to.

The Hon'ble the Finance Member: I rise to announce to the Council the recommendation of His Excellency the Governor that under Grant no. 18, Loans and advances by local Government, a sum of Rs.10 be granted and I move that the same sum be voted.

The Hon'ble the President: The question is that a sum of Rs.10 be granted under Loans and advances by local Government.

The question was put and agreed to.

The Hon'ble the Finance Member: I rise to announce to the Council the recommendation of His Excellency the Governor that under Grant no. 30, Public Health, a sum of Rs.2,500 be granted and I move that the same sum be voted.

This is true extra money, but I think anybody who reads the Explanatory Memorandum will agree that the grant that we are giving to the Seva Samiti is thoroughly well deserved.

The Hon'ble the President: The question is that under Public Health a sum of Rs.2,500 be granted.

The question was put and agreed to.

The Hon'ble the Finance Member: I rise to announce to the Council the recommendation of His Excellency the Governor that under Grant no. 31, Miscellaneous Charges, Reserved, a sum of Rs.18,000 be granted and I move that the same sum be voted.

The Hon'ble the President: The question is that under Grant no. 31, Miscellaneous Charges, Reserved, a sum of Rs.18,000 be granted.

The question was put and agreed to.

The Hon'ble the Finance Member: I rise to announce to the Council the recommendation of His Excellency the Governor that under Grant no. 32, Land Revenue, a sum of Rs.79,500 be granted and I move that the same sum be voted.

I may merely explain that this is the cost of working out the scheme for the fluctuation of rent and revenue remissions. If anybody objects to the expenditure, I will undertake to cut it out from the remission.

Khan Bahadur Haji Muhammad Obaidur Rahman Khan: I beg to move that a cut of Rs.10 be made. I think that the grant which has been placed before the House is a very heavy one. I have read the note with the greatest care and have also consulted my other honourable colleagues on the point and we have come to the conclusion that the sum which has been demanded is not at all justified.

I may say at the outset that I may be responsible for the preparation of these papers because it was my suggestion in the Rent and Revenue Committee that data should be provided before we come to any conclusion regarding the formula presented to us, but I never thought that such a heavy sum would be demanded from us in this session. We are at a loss to understand why patwaris are to be paid Rs.5 per month for this extra work. Were they paid a single pie per month when they prepared papers during the last two years? Are they paid anything extra when they are employed during settlement? The third thing which is very objectionable is that non-officials or rather those who are affected by these remissions were never consulted in districts; no opportunity was given to them to express their opinion and I can say on the floor of this House that there are certain mistakes in the preparation of these papers which would have been rectified if non-officials had been consulted. Even those members who have the honour of representing rural constituencies in this House were never consulted. Not only this but even the members of the Rent and Revenue Committee were not invited and they were not taken into confidence. It has been the general complaint but the Government never cares for them. The result is that there are difficulties. We shall have to criticize the formula when it comes before the committee. Had we in the districts been consulted, it would certainly have eased the situation and the passage of the proceedings of the committee would have been easier. It would have taken less time and the papers that were prepared would have been more correct. I am citing one instance here and I expect that any expert will explain it to me. In those districts which are old settled districts that is to say that have been settled some 30 years ago, the land which was cultivated after the settlement though that happens to be the best class of land in the village yet it is classified as the lowest. Can any expert give a reason why that land has been classified as the lowest, while the tenant has been paying rent for that plot of land for the last 20 years at the same rate which is the rate of the best land? But they have classified it as the lowest and the result is that they are going to charge that rent for it which is the rent of the lowest class of land in the village. There are some villages in which there are large tracts of land which have been cultivated after the settlement which were grain-rented and now they have become cash-rented. In such cases the tenant tries to cultivate each and every piece of land which at that time was uncultivated. This is a thing which has come to my knowledge through patwaris. I cannot say what other mistakes are there which could be corrected if those influential zamindars who understand these things from a practical point of view would have been taken into confidence. When we suggested in the committee that the data should be collected we meant that those people who were on the spot and knew the practical difficulties should also be taken into confidence

and we expected that they would be consulted. We never knew that this would not be done. I hope that the Government will in future try to meet this objection and take non-official members into confidence to make the work easy which is very difficult one. And indeed we want co-operation so that there may be evolved such formula which may remove the difficulty under which we have been suffering for the last two or three years in the present extraordinary circumstances. And that formula may be helpful to tenants and landlords and also to the Government that is to the three parties concerned. It can be achieved only when those parties who are concerned will be taken into confidence from the very beginning to the end. I hope that this suggestion of mine will receive due consideration at the hands of the Government and it will be supported by non-official members of the House.

Shaikh Muhammad Habib-ullah: Sir, when one is told that certain officer of Government, a very careful revenue officer and an experienced settlement officer, brought out a formula of automatic remission in rent and revenue on account of fall in prices, one should have thought that this formula must have been arrived at and worked out at great pains and that full statistical information must have been before that officer in order to enable him to work out the formula. It appears from the proceedings now before the House that that officer simply produced that formula without having statistics before him.

The Hon'ble the Finance Member: No.

Shaikh Muhammad Habib-ullah: Without having complete data before him.

The Hon'ble the Finance Member: No.

Shaikh Muhammad Habib-ullah: If this was the case, the data should have been known when the formula was being worked out, not now. It seems to me that the data must have been very incomplete and therefore his formula must also be very incomplete as well. He said that the figures are being collected as a result of the demand of members of the Rent and Revenue Committee. It may be so, but it would have been necessary when the Rent and Revenue Committee was formed months ago, but if it has decided to accept the formula in the present such data would be necessary. As has been stated by the previous speaker, not a penny was spent when remissions were made as a result of the fall in prices. The whole of the revenue records had to be prepared in the year 1901. Figures were set at a proper level and it was on the basis of that level that the formula was made. The only difference between the present system and the old system is that it is suggested that rent will now have to be fixed on the basis of soil classification as well as the level of prices. That is the only difference between the old system and the present system. The old system, the propriety of existing rents was based on the level of prices, but now the soil classification will also be taken into consideration in addition to the level of prices. If the rent was paid so much now, why did the necessity of payment

[Shaikh Muhammad Habibullah.]

It appears that since the patwaris are not ready to work out the figures which are required by the Government unless they are paid rewards. I have heard of rewards in criminal cases and I have heard of rewards in excise cases, but I do not see why there should be any necessity for rewards in this case. Here it is the duty of the patwari to supply the figures required, it is his duty to go to the tahsil, to take out papers and work out figures without demanding any extra remuneration for it. Then, Sir, I think that this sum of Rs.79,000 will not be enough. I am sure when the annual budget comes before us, there will be another large demand for this very purpose. I do not grudge spending money; I would not grudge even three times of what has been asked for now, but my point is: let the Rent and Revenue Committee decide the matter first; let it decide whether it does or does not accept the principle contained in the formula of Mr. Turner. Supposing these figures are worked out and in the end the Rent and Revenue Committee does not accept the formula in question, what would be the result? All this money would be wasted. So let the Rent and Revenue Committee first come to a settlement of the principle; let it accept the basic principle for the remissions of rent and revenue before we should launch upon any such scheme which requires so much expenditure. As I have already said, I do not grudge spending even three times of the money now demanded, but the question is what will be the result if the Rent and Revenue Committee rejects the formula. I therefore suggest that such experiments should not be made.

Rai Bahadur Babu Jagadeva Roy: I had no mind to speak on this matter, but I was surprised to hear from Khan Bahadur Haji Muhammad Obaidur Rahman Khan what the Rent and Revenue Committee was really doing and to find that a member of the committee itself came forward to make complaints like this. Sir, I understand that another scheme is under preparation in connexion with this subject. That scheme of course is meant to give all kinds of classifications of soil. I was under the impression that that scheme must be the outcome of the Rent and Revenue Committee, which met at Lucknow, but from the speech of the honourable member I understand that the scheme which is under preparation is not the outcome even of that committee. It leads one to presume that even that scheme may not be acceptable to the members of the Rent and Revenue Committee. It was therefore very much desirable and necessary that the committee should have first settled the different kinds of principles which would have covered the cases of both permanently settled as well as non-permanently settled districts. Had these principles been settled first, the matter would have become much easier. But this does not seem to have been done and I am afraid that much more expense will have still to be incurred and met by the tax-payers. In a matter like this the importance of which cannot be lost sight of principles were the first things to be considered. Although this committee has met five or six times, but with no final result as yet. I would therefore suggest that the formulae which are supposed to cover all kinds of possible cases must be settled by the committee first and then they should be worked out.

The Hon'ble the Finance Member: Sir, having listened to the speeches of the Maulvi Sahib and the gentleman sitting next to him, I think the Council will be surprised to hear that the people who wanted, and demanded these figures before they could come to any decision was the Rent and Revenue Committee themselves, and it is on their account that this expenditure is incurred. They said they could not decide on the principle until they got the figures; and now we are blamed for not settling the principle before the figures were collected. As to the formula, Shaikh Habibullah appears to imagine that you first collect all your data and then you build a formula on it. But the case is precisely the opposite. You build your formula on a certain number of instances and then you apply it generally to see if it works. This formula *was* built on a certain number of instances, and it was to test whether it was satisfactory or not that these figures have been collected.

The point that the Maulvi Sahib made is that Members of Legislative Council and various other people were not consulted by patwaris. What need is there at this stage, for patwaris to consult them? They are merely copying out figures out of their papers, and rectification of mistakes is a matter for the next stage. As to the question of rewards—we drove these patwaris from their villages, we set them down for three months at the tahsil headquarters, and we are not to give them anything for it. They are supposed to live in their villages. At headquarters they had to live at their own expense; and we propose to give them a miserable Rs.250 per tahsil *rewards*. There is no extra pay. As to the Rs.5 per month, if anybody will read the note they will see that each kanungo is going to be assisted in his work of checking by three of his best patwaris, and this Rs.5 is given to those patwaris only. It is not for the bulk of them. The others will get Rs.44,000 between 27,000 patwaris.

Raja Jagannath Bakhsh Singh: Nobody could have criticized Government in the matter of rent and revenue remission as I have done in the past. In this case I say that the opposition to the payment by the Government of this money is not strengthened by the two cases presented by the two honourable members. Certainly we ought to take a guarantee that the matter will be brought before the Council finally for consideration. That guarantee came when the Government accepted the resolution the other day. If we do not provide the money for obtaining statistics on which the formula will be based on which the Rent and Revenue Committee will take action in making their recommendations by which the remissions of rent and revenue will be proportionate in this province, we will be preventing the Government from giving relief to the people concerned—I mean the landlords, the tenants and agriculturists who are most concerned in this matter. If we do not vote the money or Government have no money to spend for the collection of figures and the case is not properly considered by the committee the result will be that the case will not be properly considered. Who will suffer? The sufferers will be ourselves the landlords, the agriculturists in general and tenants in particular. Because the whole consideration of the committee will depend upon the figures they get. So I do not grudge in voting money—of course reasonably—for the collection of figures.

[Raja Jagannath Bakhsh Singh.]

Where we differ from Government is that when the point of the remissions, proportionate remissions, comes, we certainly put our claims that we must get due equal share. But that stage is not this. I therefore think that the Government should receive the requisite amount of money to spend in obtaining figures for the consideration of the committee. I hope I have made myself clear. I do not propose to oppose the object in view of the honourable members from this side of the House, but I hope they will reconsider the matter if the rejection of the demand is contemplated.

The Hon'ble the President : It is a cut of only Rs.10.

Raja Jagannath Bakhsh Singh : It is I understand a token cut of Rs.10 to express the desire of the House that the money may not be spent. If that is so I hope the matter will be reconsidered.

Khan Bahadur Maulvi Fasih-ud-din : I do not propose at this stage to oppose the demand that has been put up before this House, but I should like to make a few remarks on this subject. To begin with the proposer in this motion makes a cut only of Rs.10 and my own idea is that in connexion with supplementary estimates a token cut cannot be taken in order to discuss policy. So if even this cut is passed it will mean that Rs.79,000 *minus* Rs.10 will be given and the object of the honourable mover will not be attained at all. I should like to make a few remarks on this subject. The first remark that I would like to make is that the formula in question was completely discussed before the Rent and Revenue Committee in all its details and the committee decided after a long and protracted discussion that it could not come to any conclusion about the suitability or unsuitability of the formula till the formula was applied practically to all the villages of all the districts of the province and not only to all the villages but to all the mahals and to all the khatas in each village and it was decided that after this application in this practical manner we should come to a decision as to whether the formula should be rejected in whole or in part or whether it should be adopted as it stands. Then on the basis of this decision of the committee the meeting of the Rent and Revenue Committee was adjourned for an indefinite period till the formula was actually worked out in each district. So I think that the Government cannot be blamed for having started the work in connexion with this formula, but there are one or two points which I wish to mention for the information of the Government and I hope that the Government will pay serious consideration to them. The first point is that it was decided in connexion with that formula that a set of circle rates would be applied to every khata in order to find out its rental value. It was not then decided as to what kind of circle rates they would be. It was remarked by the official members of the committee that in the districts where settlement was recently made the circle rates would be adopted, but in other districts where the settlements had become old, circle rates would have to be worked out and determined by the local officers in accordance with the local conditions of each district. It was not made very clear at that time on what principles these circle rates were to be selected. My friend Mr. Obaidur Rahman Khan has very rightly observed that it was very wrong on the part of the local authorities to have treated the new cultivation as belonging to the lowest class of soil.

If that was done the result will be that the rental valuation of the villages will become very low. I think this is a very good point that has been brought out and it behoves the Government to issue instructions to district officers on this particular subject. Then there is another point which I wish to make out for the consideration of the Government and it is this that when the Government pays an extra allowance of Rs.5 to patwaris why should it pay them Rs.44,000 by way of rewards. In the districts of which I have personal experience and in which the formula has been worked out the patwaris have not claimed rewards. This grant of Rs.44,000 for rewards will be borne by the tax-payer and the net result of it will be that the individual patwaris will get only Rs.2 and Rs.3 each or even one rupee. I think they will not mind losing this small sum. This is not advisable in the present financial condition of the Government. So, I hope that Government in spite of the fact that the Council is not opposed to this item, will see that it does not spend this money. But if it is considered inevitable that some of the patwaris should get the rewards they may get them. This money should be used sparingly by Government and the taxpayer may thus be saved from an unnecessary burden.

Khan Bahadur Haji Muhammad Obaidur Rahman Khan: Sir, I think I have been misunderstood to some extent. I think the Hon'ble Raja Sahib was not listening to my speech; probably he was busy with some other business therefore he made those remarks. He would not have made those remarks had he kindly listened to my speech. In the beginning I said that I was responsible for the preparation of these papers to a great extent, because it was on my motion that the committee decided that the data should be collected before we could arrive at any decision. Therefore I never grudged the preparation of these papers. It was to the way in which these papers are prepared that I objected in my speech. I submit these papers should be prepared. Until and unless these papers are prepared and put before the committee it will not be in a position to form a correct opinion. My objection is what I have explained in my original speech and I need not repeat it.

So far as the Hon'ble the Finance Member is concerned, I assure him that I am not opposed to the preparation of these papers. My point was, as has been urged by the preceding two rent and revenue committees and the Council also, that it would have been better if those zamindars who are considered to be sensible and who can understand these things had been taken into confidence in each district so that local practical difficulties which arise in those districts may be removed then and there instead of their being pointed out in the committee. I think it will ease the situation and will smooth the work of the committee to a great extent. He said that it was not the stage when the patwaris might consult zamindars. I never meant that. What I urged was that special officers who are appointed for that purpose should explain the formula to them. When an officer is appointed to a certain district and when he visits that district he can take into his confidence the zamindars who are sensible and who can understand these things and explain the main proposal to them and may seek their co-operation.

[Khan Bahadur Haji Muhammad Obaidur Rahman Khan.]

I am receiving letters daily from different associations and from individuals asking me to explain the formula to them. Had that process been followed certainly so many people would not have remained in the dark. Another point which I raised was with regard to the classification of land. I am at a loss to understand why land which was not cultivated at the time of the last settlement, though it is the best conceivable in the village, has been classified as the lowest.

About patwaris I wished to know whether such an allowance was given to them before when they had to prepare papers with regard to remissions and had to live at tahsil headquarters for two or three months. My information is that they were not given any such allowance in the past. I would like to know why there is a departure from the old practice on the present occasion. No reply has been furnished to me on these points.

Finally, I wish to assure the honourable members that I do not want that these papers should not be prepared, nor do I object even to a reasonable expenditure on this item. But what I beg to urge is that the expenditure on the preparation of papers should not be more than is absolutely necessary.

The Hon'ble the Finance Member: The question with which the honourable member seems most concerned is one of method. There is a certain amount of *nautor* land in the papers which is actually being classified as soil of the lowest class, whilst it is often of a better class. But some value has to be attached to each land, and to avoid differences of treatment, it is as a matter of convenience being all taken at the lowest valuation. But that will make no material difference, since at present we are dealing with provincial totals. When you come to the question of valuation for the purpose of actual remission, that of course is a different matter, and will be one for the committee to decide. As for consulting the landlords, if the honourable member so desires, we will ask our special officers to do so, though I am not quite sure if it is not too late already.

As regards the allowances to patwaris, I may point out that the patwaris did not get anything last year. The remissions on that occasion have been calculated on the basis of what they got the year before. That year they had to go to tahsil headquarters for a brief while but on the present occasion these patwaris have had to live at the tahsil headquarters for full three months. When these officials come to a tahsil headquarters during settlements, they are entitled to get two annas a day. The House will realize that to go to a tahsil headquarters for a while is quite different from staying there for three months. I hope the honourable mover will not press his motion.

Khan Bahadur Haji Muhammad Obaidur Rahman Khan: I beg to withdraw the motion.

The motion was, by leave, withdrawn.

The Hon'ble the President: The question is that for "Land Revenue" a sum of Rs.79,500 be granted.

The question was put and agreed to.

The Council was then adjourned at 4 p.m. till 4th July, 1933.

APPENDIX A

(See page 278 *supra*)

A statement showing the scholarships sanctioned for the children of the depressed classes referred to in the answer to starred question no. 4 asked by MR. C. Y. CHINTAMANI on 3rd July, 1933.

(a) *English high schools*—Two scholarships will be given in each district every year, i.e. 96 in all. These scholarships will be tenable for four years and will be of the value of Rs.7 per mensem for 12 months.

(b) *Vernacular middle schools*—One scholarship of Rs.5 per mensem tenable for three years will be given in each district every year.

(c) *Stipends in training schools*—In each of the six Government central training schools one stipend of Rs.7 per mensem tenable for 12 months will be reserved for a student of the depressed classes.

(d) *Stipends in district training schools*—One additional stipend of Rs.7 per mensem tenable for 12 months in a district training school will be given to a student of the depressed classes.

(e) *Normal schools*—In each of the Government normal schools one place will be reserved for a depressed class student.

A sum of Rs.5,000 recurring is provided for grants-in-aid to non-official bodies for the education of the depressed classes out of which the following sums have been sanctioned for payment.

			Rs.
(i) Arya Vidya Sabha, Benares	..	..	.. 100 per mensem.
(ii) Wesleyan Mission, Benares	..	..	.. 59 "
(iii) Arya Vidya Sabha, Bareilly	..	..	.. 200 "
(iv) W. M. Missionary Society, Ghazipur	..	..	.. 10 "
	Total	..	.. 369 "

Or Rs.4,428 per annum.

APPENDIX B

(See page 278, supra.)

*Note referred to in answer to starred question no. 4 asked by
MR. C. Y. CHINTAMANI on 3rd July, 1933.*

In the United Provinces the Government have encouraged the education of the depressed classes by the appointment of special supervisors of schools, by the remission of school fees, and by the provision of post-primary scholarships. Under the contract system of financing primary education Government have prescribed the minimum expenditure that should be incurred by local bodies on the education of the depressed classes, and a lump grant is made annually towards the total expenditure under this head. The District Boards have been encouraged to open special schools for pupils of depressed classes.

2. In 1932 there were altogether 757 special schools for the depressed classes with 26,974 pupils on the rolls : there were in addition, in ordinary board schools, 95,340 pupils belonging to these classes. A feature of the education of depressed classes which has been recently noticeable is that the number of children of these classes in ordinary schools has shown a tendency to increase, as prejudice against their admission is gradually diminishing. In May, 1932, Government provided special scholarships to enable boys of the depressed classes to proceed to middle and high schools and to institutions for the training of vernacular teachers and facilities for boys of the Depressed classes to join Government artisan and technical schools.

3. Government have also appointed for the education of the depressed classes an Advisory Committee consisting of the Deputy Director of Public Instruction, two members of the depressed classes, elected from amongst themselves by the non-official depressed class members of the Legislative Council, and three members of these classes nominated by Government. The duties of the committee are to advise Government on all such questions concerned with the education of the depressed classes as may be referred to it by Government or by the Director of Public Instruction, and also to advise in regard to any other educational matter concerned with the depressed classes.

4. In technical and industrial institutions 25 per cent. of the scholarships and stipends are reserved for boys of depressed classes. Government give a grant of Rs.960 per mensem to a private depressed class industrial school at Khurja. There is no restriction on the admission of boys of depressed classes into any of the industrial schools and in Mission and Salvation Army industrial schools, which are aided by Government, many boys belong to these classes. A scheme for helping the depressed classes in the Kumaun Division has been prepared and is at present under consideration.

APPENDIX C

(See page 325 *supra*)

A

BILL

To amend the United Provinces Town Areas Act, 1914 (United Provinces Act II of 1914)

Whereas it is expedient to amend the United Provinces Town Areas Act, 1914, for the purpose hereinafter appearing : It is hereby enacted as follows :

1. This Act may be called the United Provinces Town Areas (Amendment) Act, 1933.
Short title.
2. For the existing provisos to section 14 of the United Provinces Town Areas Act, 1914, the following provisos shall be substituted, namely :
 Substitution of new
 provisos for existing
 provisos to section 14
 of U. P. Act II of 1914.

Provided firstly that in districts in which the District Board has imposed a tax on circumstances and property the maximum amount of tax on circumstances assessable for one year on any one person, not being an agriculturist, in respect of income not derived from agricultural sources, shall be Rs.2,000 :

Secondly that in other districts, and in all districts where the assessee is an agriculturist or the tax is levied in respect of income derived from agricultural sources, the maximum amount of tax on circumstances assessable for one year on any one person shall be Rs.90.

Thirdly that in the case of a tax assessed on the annual value of houses and lands, the amount assessed in respect of any house or land shall not exceed $6\frac{1}{2}$ per cent. of the annual value of the house or land.

Fourthly that in case of any reduction of taxation by the panchayat or whenever any increase in taxation within the limits prescribed by the foregoing provisos is in the opinion of the District Magistrate necessary to advance the standard of administration of the town area or to provide a reasonable contribution towards the cost of the services rendered to it by the district board, the District Magistrate may, after recording his reasons in writing, refer the matter back to the panchayat for its reconsideration. If the panchayat after reconsideration disagrees with the opinion of the District Magistrate it shall state its reasons for disagreement. Thereupon the District Magistrate may, if he so wishes, refer the matter to the Commissioner, whose orders thereon shall be final.

STATEMENT OF OBJECTS AND REASONS

In districts in which the District Board has imposed a tax on circumstances and property residents in town areas with incomes exceeding Rs.1,000 per annum have now to pay (1) income-tax, (2) the District Board tax on circumstances and property, and (3) the Town Area tax. These are all calculated on annual income or circumstances and property and are in fact all taxes on income. This so-called triple taxation has caused a great deal of discontent and agitation and the Government have, therefore, after careful consideration decided to eliminate one of the three tax-gatherers by making the town areas themselves responsible for reasonable contributions to the District Board for such District Board services as they may in each case enjoy. To achieve this object, however, it will be necessary to revise the present maximum tax on circumstances leviable on an individual under section 14 of the Town Areas Act. It is, therefore, proposed to amend section 14 of the Act by raising the maximum limit of tax on circumstances assessed in respect of any one person from Rs.90 to the District Board maximum of Rs.2,000 per annum. It will, of course, be open to the Town Area panchayat to fix the maximum tax at any lower figure, provided that payment of the Town Area's contribution to the District Board is not adversely affected.

MUHAMMAD YUSUF.

LEGISLATIVE COUNCIL

UNITED PROVINCES OF AGRA AND OUDH

Tuesday, 4th July, 1933

THE Council met at "Old Sherwood" (Government House grounds), Naini Tal, at 11 a.m. The Hon'ble Sir Sita Ram in the Chair.

PRESENT (87)

The Hon'ble Mr. E. A. H. Blunt.
 The Hon'ble Kunwar Jagdish Prasad.
 The Hon'ble Nawab Sir Muhammad Yusuf.
 The Hon'ble Mr. J. P. Srivastava.
 Mr. J. M. Clay.
 Mr. J. L. Sathe.
 Mr. P. Mason.
 Mr. P. M. Kharegat.
 Mr. H. A. Lane.
 Mr. J. J. W. Allsop.
 Mr. A. H. Mackenzie.
 Mr. P. P. M. C. Plowden.
 Rai Bahadur Pandit Suraj Din Bajpai.
 Rai Bahadur Babu Phul Chand Mogha.
 Khan Bahadur Saiyid Ain-ud-din.
 Saiyid Abdul Hasan.
 Mr. Hari Kishen Mathur.
 Mr. D. L. Drake-Brockman.
 Mr. S. T. Hollins.
 Mr. M. Masud Ali Khan.
 Mrs. Kailash Srivastava.
 Khan Bahadur Maulvi Fasih-ud-din.
 Captain K. O. Carleton.
 Mr. E. Ahmad Shah.
 Rai Sahib Babu Rama Charana.
 Mr. Perma.
 Rai Bahadur Babu Awad Bihari Lal.
 Chaudhri Ram Dayal.
 Chaudhri Jagannath.
 Chaudhri Baldeva.
 Rai Sahib Sahu Jwala Saran Kothiwalla.
 Mr. Tappu Ram.
 Chaudhri Ram Chandra.
 Chaudhri Ghasita.
 Chaudhri Arjun Singh.
 Rao Bahadur Thakur Pratap Bhan Singh.
 Rao Bahadur Thakur Bikram Singh.
 Kunwar Girwar Singh.
 Pandit Joti Prasad Upadhyaya.
 Chaudhri Dhirya Singh.
 Rai Sahib Kunwar Dhakan Lal.
 Thakur Balwant Singh Gahlot.
 Rai Bahadur Mr. Brij Lal Badhwar.
 Rao Bahadur Kunwar Sardar Singh.
 Babu Ram Bahadur Saksena.
 Babu Kamta Nath Saksena.

Kunwar Jagbhan Singh.
 Mr. Brijnandan Lal.
 Rao Narsingh Rao.
 Chaudhri Ram Adhin.
 Mr. Bhondu Ram.
 Chaudhri Bharcs.
 Pandit Shri Sadayatan Pande.
 Rai Bahadur Babu Jagadeva Roy.
 Rai Sahib Rai Rajeshwari Prasad.
 Rai Bahadur Thakur Shiva Pati Singh.
 Thakur Giriraj Singh.
 Pandit Prem Ballabh Belwal.
 Thakur Jang Bahadur Singh Bisht.
 Pandit Brahma Dutt alias Bhaiya Sahib.
 Thakur Muneshwar Bakhsh Singh.
 Raja Birendra Bikram Singh.
 Rai Bahadur Kunwar Surendra Pratap Sahi.
 Mr. C. Y. Chintamani.
 Rai Rajeshwar Bali.
 Mr. Zahur Ahmad.
 Syed Ali Zaheer.
 Khan Bahadur Muhammad Maqsood Ali Khan.
 Shah Nazar Husein.
 Captain Nawab Muhammad Jamshed Ali Khan.
 Mr. Muhammad Rahmat Khan.
 Khan Bahadur Haji Muhammad Obaidur Rahman Khan.
 Khan Bahadur Muhammad Hadiyar Khan.
 Khan Bahadur Hafiz Hidayat Husein.
 Khan Bahadur Maulvi Saiyid Habibullah.
 Khan Bahadur Saiyid Zahid Ali Sabzpcsh.
 Khan Bahadur Hafiz Ghazanfarullah.
 Khan Bahadur Saiyid Jafer Hosain.
 Shaikh Afzal-ud-din Hyder.
 Khan Bahadur Sirdar Muhammad Shakirdad Khan.
 Khan Sahib Muhammad Imtiaz Ahmad.
 Shaikh Muhammad Habibullah.
 Chaudhri Muhammad Ali.
 Rai Bahadur Kunwar Bisheshwar Dayal Seth.
 Raja Jagannath Bakhsh Singh.
 Rai Bahadur Babu Vikramajit Singh.
 Munshi Gajadhar Prasad.

MEMBER SWORN :

Mr. P. P. M. C. Plowden.

QUESTIONS AND ANSWERS

STARRED QUESTIONS

*1. Khan Bahadur Maulvi Fasih-ud-din : (*Withdrawn.*)

REVISED SCALES OF PAY FOR PROVINCIAL AND SUBORDINATE
EDUCATIONAL SERVICE

*2. Pandit Joti Prasad Upadhyaya : (a) Will the Government be pleased to state the different grades of salaries proposed to be fixed in the case of new entrants to the provincial and subordinate services in the Education Department ?

(b) Is it a fact that the posts of Headmasters of Government High Schools and Lecturers of Training Colleges, which were in the provincial cadre so far, are going to be reduced to the cadre of subordinate educational service ?

(c) What are the reasons which have prompted the Government to make this change ?

(d) Have similar changes been made in the case of other provincial service employees, e.g. deputy collectors, munsifs, subordinate judges, police officers, and medical officers ?

(e) Do Government intend to reconsider these proposals ?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava) : (a) The revised scales of pay for the United Provinces Educational Service are :

Class I—Rs.300—25—500—500—600—30—900—50—1,000.

Class II—Rs.200—15—380—20—500—25—650.

The scales for new entrants to the subordinate educational service are still under consideration.

(b) The matter is under consideration.

(c), (d) and (e) Do not arise.

PUNKHAS FOR PRISONERS

*3. Chaudhri Baldeva (*absent*) : (a) Will the Government be pleased to state if it is a fact that European "B" class prisoners convicted of offences involving moral turpitude are provided with *punkhas* in their cells and barracks night and day during the hot weather ? If so, is it also a fact that the *punkha*-pullers are employed from outside ?

(b) Is it a fact that even "A" class Indian prisoners convicted even of offences not involving moral turpitude are not provided with this facility ? If so, what are the reasons for this differentiation ? Will the Government consider the desirability of providing such *punkhas* for both "A" and "B" Indian prisoners also ? If it is a fact that in some prisons "A" class Indian prisoners have been provided with this facility ; why was this privilege not extended to other prisons like Benares ?

The Hon'ble the Home Member (Kunwar Jagdish Prasad) : (a) and (b) European " B " class prisoners and Indian " A " and " B " class prisoners, irrespective of the nature of their offences, are provided with *punkhas* whenever recommended by the medical officer under paragraph 818 of the Jail Manual. *Punkha*-pullers are employed from outside both for Indian and European convicts. No differentiation is made. *Punkhas* were not provided in the Benares Jail because no recommendation to this effect was received from the Superintendent.

ALL-INDIA CONGRESS COMMITTEE

***4. Chaudhri Baldeva :** Will the Government be pleased to state whether the All-India Congress Committee has been declared an unlawful association in the United Provinces? If not, do Government intend to consider the cases of Messrs. Lalji Mehrotra and Radha Krishna Tiwari sentenced respectively to rigorous imprisonment for 24 and 18 months besides heavy fines by the City Magistrate of Benares for alleged assistance in the work of All-India Congress Committee? Is the Government prepared to release these persons and compensate them for their confinement all this time?

The Hon'ble the Finance Member (Mr. E. A. H. Blunt) : (a) No.

(b) Government have called for the records of the two cases referred to in order that they may ascertain whether the convictions were strictly legal or not.

WOMEN HONORARY MAGISTRATES AND JAIL VISITORS

***5. Mrs. Kailash Srivastava :** (a) Will the Government be pleased to state the names of all the non-official women visitors to jails and women honorary magistrates in the Province?

(b) Which of these have been appointed since the question was raised by me in Council in 1931?

(c) Why has it not been possible for Government to appoint women non-official visitors to the other jails in the Province and also more women honorary magistrates in various districts?

(d) What efforts, if any, have Government made to secure suitable names for both these offices?

The Hon'ble the Home Member : (a) A statement is laid on the table.

(See Appendix A, page 405.)

(b) Mrs. Ghansham Das and Dr. Thungama were appointed lady visitors to the Benares Central Jail after Mrs. Srivastava's question; all the lady honorary magistrates were appointed after her question.

(c) Women non-official visitors have been appointed to three of the four jails in the Province where there are any appreciable number of women prisoners. With respect to the fourth prison, namely Fatehgarh Central Prison, Government were informed on making inquiry that there were no suitable ladies who could be appointed. Women honorary magistrates have been appointed where there were suitable ladies who were willing to act.

(d) The Government addressed all District Magistrates and directed them to bear in mind when making recommendations that they should consider the appointment of women honorary magistrates where there were suitable women anxious to take up this work. Government also addressed the Commissioners of Benares and Allahabad on the subject of the appointment of women non-official visitors to the jail in Benares and Fatehgarh.

Mrs. Kailash Srivastava : Is there any special qualification needed for men honorary magistrates ?

The Hon'ble the Home Member : Yes ; a number of qualifications are required.

Mrs. Kailash Srivastava : What are the qualifications ?

The Hon'ble the Home Member : As a matter of fact I could have asked for notice of the question, but I shall try and give some of the qualifications from memory. Firstly, ability to read and write, secondly, good financial position, thirdly, a good reputation, etc.

Mrs. Kailash Srivastava : Why can Government not appoint women honorary magistrates in such large districts as Dehra Dun, Bareilly, Agra, etc. ?

The Hon'ble the Home Member : We have already addressed the District Magistrates in the matter. If the honourable member can suggest the names of any suitable persons, they will be considered.

Rai Bahadur Babu Vikramajit Singh : Will the Government be pleased to consider the recommendations of the members of the Legislative Council for appointment of lady honorary magistrates ?

The Hon'ble the Home Member : In any case I shall have to refer the matter to the local authorities for inquiry. Honourable members will find the proposal embarrassing to themselves.

Khan Bahadur Maulvi Fasih-ud-din : How many lady honorary magistrates have been appointed hitherto ?

The Hon'ble the Home Member : The statement is on the table of the honourable member.

Khan Bahadur Maulvi Fasih-ud-din : Have they been found to work well ?

The Hon'ble the President : Well, that would be asking for opinion.

NOMINATION OF WOMEN TO LOCAL BODIES

*6. **Mrs. Kailash Srivastava :** Will the Government be pleased to lay on the table the names and qualifications of all the women nominated to each of the several municipal and district boards of the Province in pursuance to the recent amending legislation ? Have the nominations been now completed in respect of all local bodies in the Province ?

The Hon'ble the Minister for Local Self-Government (Nawab Sir Muhammad Yusuf) : The honourable member is referred to the statement furnished with the reply given to Mr. Ahmad Shah's starred

Council question no. 11 on 16th February, 1933. A supplementary statement showing the nominations of women to municipal and district boards made since that date is laid on the honourable member's table. There are still 14 out of 48 district boards and 24 out of 85 municipal boards to which owing to supersession, absence of suitable candidates and similar local difficulties, it has not yet been found possible to make a nomination.

(See Appendix B, page 406.)

Mrs. Kailash Srivastava : Will the Hon'ble Minister consider the matter and make nominations within a month or so ?

The Hon'ble the Minister for Local Self-Government : It is impossible to say. It will be dictated by the circumstances.

Mrs. Kailash Srivastava : Will the Government kindly state why there has been so much delay ?

The Hon'ble the Minister for Local Self-Government : The reason is already set out in the answer.

*7. **Mrs. Kailash Srivastava :** Will the Government be pleased to state the names of the representatives of women's interests on the Education Committees of all the district boards of the Province ?

The Hon'ble the Minister for Education : Inquiries have been made and a reply will be given at a later date.

WOMEN'S HOSTEL FOR ALLAHABAD UNIVERSITY

*8. **Mrs. Kailash Srivastava :** Is the Government aware that the Allahabad University is in great need of a Women's Hostel ? Does the Government propose making a grant to the University for this purpose ? If so, when ?

The Hon'ble the Minister for Education : Yes. When plans and estimates have been approved and funds for the purpose are available.

Mrs. Kailash Srivastava : Will the Government be pleased to state how much money they are going to allot for the purpose ?

The Hon'ble the Minister for Education : Estimates have not yet been received but I think it is about Rs.40,000.

REPRESENTATION OF WOMEN ON THE JOINT SELECT COMMITTEE

*9. **Mrs. Kailash Srivastava :** Has any invitation been extended to women of this Province to send their representative to the Joint Parliamentary Committee ?

The Hon'ble the Finance Member : The attention of the honourable member is invited to the *communiqué* issued on 14th April last to the effect that the Joint Select Committee was prepared to consider applications from authoritative bodies or organizations to give evidence before them. In the same *communiqué* it was stated that all such applications should be sent to the clerk of the Joint Select Committee. This was a general invitation to all bodies and associations interested in matters connected with franchise under the new constitution to nominate a witness or representative on their behalf.

FRANCHISE FOR WOMEN

*10. **Mrs. Kailash Srivastava :** Is the Government aware that the existing franchise for women in this Province is extremely restricted? What steps has the Government taken to ensure that this franchise will be suitably enlarged in the new constitution?

The Hon'ble the Finance Member : On the qualifications at present in force, there are about 56,000 women voters for the Provincial Council. The proposals of this Government made to the Indian Franchise Committee are estimated (if all those enfranchised claim the vote), to result in an electoral roll containing about $17\frac{1}{2}$ lakhs of women voters, a number considerably in excess of the present number of male voters for the Legislative Council.

*11. **Pandit Prem Ballabh Belwal :** (*Postponed at the request of Government.*)

EXTENSION OF SERVICE BEYOND THE AGE OF 55 YEARS
TO MINISTERIAL OFFICIALS

* 12. **Rai Sahib Rai Rajeshwari Prasad :** (a) Will the Government be pleased to state if it is a fact that any extensions in service beyond the age limit of 55 years have been granted to the ministerial officers in the Medical Department?

(b) Will the Government be pleased to state if it is also a fact that a circular letter has been issued to all Civil Surgeons in the province saying that extension in service will be granted to the members of ministerial staff up to the age of 60 years? If so, will the Government be pleased to lay a copy of the circular on the table?

Has a similar circular been issued by any head of the department to their subordinate officers?

(c) Will the Government be pleased to state if they propose to give any relief to those ministerial officers who suffer by not getting promotions from the due dates on account of their seniors getting extensions after extensions?

(d) Will the Government be pleased to state if it is their policy to retain all ministerial officials up to the age of 60 years?

The Hon'ble the Minister for Local Self-Government : (a) Yes. Certain ministerial officials who remained efficient have been retained in service beyond the age of 55 under the provisions of Fundamental Rule 56(b).

(b) Yes. A copy of the circular issued by the Inspector-General of Civil Hospitals regarding the retention of ministerial officials up to 60 years of age is laid on the honourable member's table. Other heads of departments are at liberty to issue similar circulars.

(*See Appendix C, page 407.*)

(c) Does not arise : the retention in service is the same for all.

(d) Honourable member is referred to the reply given by the Hon'ble Finance Member in connexion with starred Council question no. 23 for 17th February, 1933, that, "Government's present policy is not to grant extensions to officers or officials who have reached the age of superannuation."

Rai Sahib Rai Rajeshwari Prasad : With regard to part (b) of the question, may I know what the necessity was for the issue of this circular ?

The Hon'ble the Minister for Local Self-Government : Communication of Fundamental Rule 56(b).

Rai Sahib Rai Rajeshwari Prasad : Was this circular letter in accordance with the spirit of the Fundamental Rule which has been quoted by the Hon'ble Minister ?

The Hon'ble the Minister for Local Self-Government : I do not think there was any clash at all. The present policy of the Government is obvious.

Rai Sahib Rai Rajeshwari Prasad : With regard to part (d), am I to take, reading the policy as has been stated by Government in that answer, that these extensions were in contravention of the policy of the Government ?

The Hon'ble the Minister for Local Self-Government : In exceptional cases it has been done. But there are always exceptions to every rule.

Rai Sahib Rai Rajeshwari Prasad : Were all these exceptional cases ?

The Hon'ble the Minister for Local Self-Government : Must be.

Rai Bahadur Babu Awadh Bihari Lal : Was there any necessity to emphasize the exception rather than the rule ?

The Hon'ble the Minister for Local Self-Government : The exception was not emphasized. Only attention was drawn to Fundamental Rule 56(b).

Rai Sahib Rai Rajeshwari Prasad : Was it the rule that was obeyed or was it the exception ?

The Hon'ble the Minister for Local Self-Government : As I have already stated, exceptions have to be made in exceptional cases.

*13. **Rai Sahib Rai Rajeshwari Prasad :** (*Postponed at the request of Government.*)

PROPOSED TAX ON THE RESIDENTS OF THE BENARES HINDU
UNIVERSITY MAHAL BY THE DISTRICT BOARD

*14. **Pandit Shri Sadayatan Pande (absent) :** (a) Has the Government received any representation from the authorities of the Benares Hindu University or from the University staff residing within the University Mahal objecting to the imposition of a tax on circumstances and property by the District Board of Benares on the persons residing within that mahal, and asking for their exemption from the tax under section 124(3) of the United Provinces District Boards Act ?

(b) What action has the Government taken or contemplate to take in the matter ?

(c) Is it a fact that the Benares Hindu University Mahal is an autonomous area, providing for its own roads, water-works, light, sanitation, arboriculture, dispensaries and other amenities and the District Board of Benares undertakes or contributes nothing towards that expenditure or their maintenance ?

(d) Is it a fact that the District Board of Benares has even asked the Benares Hindu University to undertake and repair some of the roads standing outside the Hindu University Mahal and leading to the University area ?

(e) Do Government intend to ask the District Board of Benares to do its statutory duty towards the residents of the University Mahal whom it proposes to tax, or consider the question of exempting them from the tax ?

The Hon'ble the Minister for Local Self-Government : (a) Yes, in 1931.

(b) The Government advised the board that in view of the services undertaken and paid for on behalf of their employees by the University authorities, it would be only fair if the board granted the assesseees a substantial reduction in the tax, provided that the balance was paid punctually by the University authorities on behalf of the assesseees residing in the University area.

(c) Yes.

(d) A report has been called for from the Commissioner, but has not yet arrived.

(e) Government will consider the matter on receipt of the Commissioner's report.

INSTRUCTIONS TO AYURVEDIC STUDENTS IN ALLOPATHIC SUBJECTS

*15. **Pandit Shri Sadayatan Pande :** (a) Is there any rule prohibiting Allopathic doctors registered under the United Provinces Medical Council from imparting either honorary or on payment instructions to Ayurvedic students in Allopathic subjects, such as are included in the curriculum of the United Provinces Board of Indian Medicines ?

(b) Are there any rules of the United Provinces Medical Council about it, and if so, what ?

(c) Is it a fact that in various institutions, like Hardwar and Aligarh in the United Provinces, such lectures are being given by Allopathic doctors to Ayurvedic and Tibbi students, and the Medical Council has raised no objection about it ?

The Hon'ble the Minister for Local Self-Government : (a) No.

(b) No.

(c) Yes.

PROPOSED TRANSFER OF BADRINATH PURI TO TEHRI STATE

*16. **Pandit Shri Sadayatan Pande :** Will the Government be pleased to state how many official and non-official gentlemen have been consulted through district authorities in Garhwal regarding

the transfer of Badrinath Puri to Tehri State and also intimate the numbers of persons who have expressed themselves respectively in favour of and against the said proposed transfer ?

The Hon'ble the Minister for Education : Apart from the Deputy Commissioner and the Rawal of Badrinath Government have not consulted any particular official or non-official of Garhwal through the district authorities regarding the transfer of Badrinath Puri to Tehri State. General public opinion was invited through the district authorities and 104 representations signed by 8,112 residents of different patts and parganas of Garhwal have been received. Of these 89 representations with 7,825 signatures are against any kind of transfer, while 15 representations with 287 signatures are in favour of the transfer.

***17. Pandit Shri Sadatayan Pande :** (*Since disallowed.*)

JUDGEMENT OF THE ALLAHABAD HIGH COURT IN THE CASE OF TEHRI DARBAR *versus* SADANAND.

***18. Pandit Shri Sadayatan Pande :** (a) Has the Government seen the remarks of High Court of Allahabad in the case of Tehri Darbar versus Sadanand decided on 23rd February, 1932 ?

(b) Will the Government be pleased to state what action, if any, is proposed to be taken in the matter ?

The Hon'ble the Minister for Education : (a) Yes.

(b) None.

***19. Rai Bahadur Babu Jagadeva Roy :** (*Postponed at the request of Government.*)

ABOLITION OF LOWER CLASSES IN QUEEN'S COLLEGE, BENARES

***20. Chaudhri Bharos :** (a) Will the Government be pleased to state if the lower classes of the Queen's College, Benares, are going to be abolished ? If so, on what grounds ? Is it also a fact that only a few years ago the graduate and post-graduate classes of the college were abolished ?

(b) Is it a fact that the Government is proposing to abolish lower classes of all the Government schools ? If not, why has the Queen's College alone been singled out for the purpose ?

(c) Is it a fact that the Government is going to add new sections in the Intermediate classes ? If so, is it a fact that lower classes are going to be abolished in order to make room for such new sections ?

(d) Has the Government received any representation from the public of Benares protesting against the proposed abolition of lower classes in the Queen's College ? If so, how has it been disposed of ?

The Hon'ble the Minister for Education : (a) Yes ; for want of accommodation. The reply to the last part of the question is in the affirmative.

(b) No. For lack of accommodation.

(c) Proposals for the opening of one additional section are under consideration. No.

(d) Yes. The Inspector has been asked for a report.

APPOINTMENT OF BABU MUTSADDI LAL BY THE MEERUT DISTRICT
BOARD

*** 21. Hafiz Muhammad Ibrahim** (*absent*): (a) Is it a fact that in August, 1932, the Meerut District Board appointed one Babu Mutsaddi Lal, M.A., to the post of Assistant Tax Officer?

(b) Did the Commissioner, Meerut Division, object to this appointment?

(c) What were the grounds of this objection?

(d) What was the reply of the Board to the Commissioner's objection?

(e) Did the Commissioner advance another objection to the said appointment after the receipt of the abovementioned reply?

(f) If the answer to question (e) above be in the affirmative, what was that objection?

(g) Did the Commissioner refer the matter to the Government? If so, what was the action taken by the Government?

(h) Is it a fact that Babu Mutsaddi Lal remained in jail for six months under section 17(1) of the Criminal Law Amendment Act shortly before his appointment as Assistant Tax Officer?

(i) Did the Commissioner know of this imprisonment when he first objected to this appointment?

(j) Was Babu Mutsaddi Lal removed from the post of assistant tax officer in pursuance to an order of the Government?

(k) Is it a fact that in the said Government order the Government opined that the Board could appoint a tax officer if its finances permitted?

(l) Is it a fact that after the receipt of the said Government order the Meerut District Board appointed Babu Mutsaddi Lal as tax officer?

(m) Did the Commissioner, Meerut division, object to this appointment on the ground that Babu Mutsaddi Lal's appointment because of his political past tended to cause annoyance and injury to the public and specially to those who were liable to be assessed by him?

(n) Did the Commissioner, Meerut division, on this appointment serve the Meerut District Board with an order under section 166(1) of the District Boards Act that the resolution appointing Babu Mutsaddi Lal as tax officer be suspended till the final order of the Government in the matter was issued?

(o) Has Government issued any circular disqualifying persons holding certain political convictions from appointment by a local body?

(p) Has the Meerut District Board obeyed the Commissioner's order under section 166(1) of the District Boards Act, referred to in question (n) above?

(q) Did the Commissioner, Meerut division, move the Government when the Commissioner's order under section 166(1) mentioned above was pending before the board?

(r) Did the Government hold out a threat that if the Meerut District Board did not obey the order of the Commissioner under section 166(1), the Government would think of bringing into play the operation of section 39(2) or section 169 of the District Boards Act?

The Hon'ble the Minister for Local Self-Government: (a) Yes.

(b) and (c) Yes. He reported the matter to Government for instructions, saying that as the board had no provision for the post in either its rules or its budget, he did not think it could make the appointment, while he also considered Babu Mutsaddi Lal most unsuitable for it owing to his lack of qualifications and previous record.

(d) The board, which had been requested under Government's instructions to the Commissioner to reconsider the matter *de novo* owing to lack of provision for the post in its rules and budget, and to appoint, supposing that the receipts from the tax justified this, only a responsible whole-time tax officer and a man who would command the confidence of the public, proceeded to appoint Babu Mutsaddi Lal as whole-time tax officer.

(e) The Commissioner prohibited the appointment under section 166(1), Municipalities Act.

(f) He stated that in view of his record during the Civil Disobedience campaign the appointment of Babu Mutsaddi Lal to such a post was of a nature to cause annoyance and injury to the public and to those persons liable to be assessed by him.

(g) Yes. The Government called for the board's explanation under section 166(2), District Boards Act, in order that it might be in a position to pass final orders under section 166(3).

(h) Yes.

(i) Yes.

(j) No.

(k) Yes.

(l) Yes.

(m) Yes.

(n) As stated in the reply to part (e) the Commissioner prohibited under section 166(1) the execution of the board's resolution and the doing by Babu Mutsaddi Lal of any act as assessment officer, which means that under section 166(3) the resolution should have been held in abeyance unless and until Government rescinded or modified the order under section 166(2).

(o) No, but they have prohibited district board servants from taking part in political agitation directed against the authority of Government and inculcating opinions leading to excite feelings of political disloyalty or dissatisfaction with the administration.

(p) The order was partially obeyed after an interval of two months. The board in their resolution no. 3, dated the 5th May, 1933, suspended execution of their resolution no. 23, dated the 2nd February, 1933, appointing Babu Mutsaddi Lal as tax officer pending the receipt of Government orders, but in their resolution no. 1 of the same date they had already retained the post of assistant tax officer and also retained Babu Mutsaddi Lal in that post on his full whole-time tax officer's pay of Rs.150—10—200.

(q) The Commissioner reported the action taken by the board and himself in order that Government might be in a position to decide whether or not to take action under section 166(2).

(r) The Government informed the board that if it did not in accordance with section 166(3) obey the Commissioner's order pending the final orders of Government the question of action under section 39(2) or section 169 would arise.

Rai Sahib Rai Rajeshwari Prasad : With regard to part (b) of the question, may I know if any qualifications for the post of tax officer are laid down in the District Boards Act or the rules ?

The Hon'ble the Minister for Local Self-Government : No.

Rai Sahib Rai Rajeshwari Prasad : On what grounds can the Government then say that he lacked qualifications ?

The Hon'ble the Minister for Local Self-Government : On considerations of unsuitability for the post.

Rai Sahib Rai Rajeshwari Prasad : Is the Government aware that he is a Master of Arts ?

The Hon'ble the Minister for Local Self-Government : Yes.

Rai Sahib Rai Rajeshwari Prasad : What was the unsuitability connected with it ?

The Hon'ble the Minister for Local Self-Government : His unsuitability from the point of view, bearing in mind his past record, that he could not be regarded as a man who would enjoy the confidence of the public.

Rai Sahib Rai Rajeshwari Prasad : Was the past record the only consideration taken into account by the Government ?

The Hon'ble the Minister for Local Self-Government : Everybody's past record has got to be taken into consideration.

Rai Sahib Rai Rajeshwari Prasad : Is the past record taken into consideration irrespective of the qualifications of the man ?

The Hon'ble the Minister for Local Self-Government : Well, that qualification was probably taken into consideration too ; but the other considerations had to be given due weight to.

Rai Sahib Rai Rajeshwari Prasad : Sir, with regard to part (o) of the same question, may I know if it was ascertained from him whether he was willing to accept the condition of dissociating himself from political activities in case this post was given to him ?

The Hon'ble the Minister for Local Self-Government : He was not asked.

Rai Sahib Rai Rajeshwari Prasad : May I know why ?

The Hon'ble the Minister for Local Self-Government : There was no occasion to. I suppose.

Rai Sahib Rai Rajeshwari Prasad : Why was this matter not referred to him and why was this condition not referred to him before final orders were passed in this matter ?

The Hon'ble the Minister for Local Self-Government : No final orders have been passed.

Rai Sahib Rai Rajeshwari Prasad : May I take it that this matter is still under the consideration of Government ?

The Hon'ble the Minister for Local Self-Government : Yes.

Rai Sahib Rai Rajeshwari Prasad : What will be the principles which will guide the Government in coming to a decision.

The Hon'ble the President : I think that is too wide a question.

Mr. C. Y. Chintamani : What was the evidence before the Commissioner or the Government to show that the appointment of this gentleman to that post was likely to cause annoyance to the public or any section of the public ?

The Hon'ble the Minister for Local Self-Government : The report of the Commissioner.

Mr. C. Y. Chintamani : What was the evidence contained in the report of the Commissioner ?

The Hon'ble the Minister for Local Self-Government : Ten pages of C. I. D. reports.

Mr. C. Y. Chintamani : Do the Government proceed on C. I. D. reports to damn people's character and to make all sorts of allegations against them and to do them substantial injury ?

The Hon'ble the Minister for Local Self-Government : Not necessarily : but the report is given due weight.

Mr. C. Y. Chintamani : Not necessarily. But in the present case does the Hon'ble Minister state that exclusively on the basis of the C. I. D. report the Commissioner regarded this gentleman, for whom nearly all the members of the Board voted, as a likely source of annoyance to the public, and without any further inquiry the Government concurred in the recommendation of the Commissioner ?

The Hon'ble the Minister for Local Self-Government : They have not concurred in the recommendation of the Commissioner.

Mr. C. Y. Chintamani : Will the Hon'ble Minister kindly lay on the table a copy of the report on which action has been taken by Government ?

The Hon'ble the Minister for Local Self-Government : That is confidential. I do not think it is desirable to make it public.

Mr. C. Y. Chintamani : Has the Hon'ble Minister thought it necessary to make any inquiries with regard to the correctness of the C. I. D. report ?

The Hon'ble the Minister for Local Self-Government : I suppose the Commissioner must have made other inquiries also and would not have relied entirely on the C. I. D. report. The matter is before Government and is receiving their serious consideration.

Mr. C. Y. Chintamani : Did the Hon'ble Minister deem it necessary merely to assume that the Commissioner may have made inquiries, or has he inquired from the Commissioner whether he had any source of information other than the C. I. D. report for him to conclude that the appointment of this gentleman would cause public annoyance ?

The Hon'ble the Minister for Local Self-Government : In his demi-official the Commissioner says that he heard from many visitors reports against him.

Mr. C. Y. Chintamani : Are the names of the visitors available, and is the record of what he heard from the visitors available ?

The Hon'ble the Minister for Local Self-Government : I do not think that these names need be mentioned.

Mr. C. Y. Chintamani : Is it the practice of the Local Self-Government Department to set aside considered and unanimous decisions of statutory local bodies, decisions taken under the powers conferred by the District Boards Act on the basis of unconfirmed hearsay evidence and uncorroborated C. I. D. testimony.

The Hon'ble the Minister for Local Self-Government : I am afraid this is a hypothetical question.

Mr. C. Y. Chintamani : This is not a hypothetical question. Mr. President, I ask for your ruling. In my humble opinion this question arises directly from the replies given by the Hon'ble Minister, and is not a hypothetical question.

(No reply.)

Mr. C. Y. Chintamani : Is it the practice of the Hon'ble Minister to set aside well-considered decisions of statutory local bodies merely on the basis of hearsay evidence or unconfirmed C. I. D. reports ?

The Hon'ble the Minister for Local Self-Government : No.

Mr. C. Y. Chintamani : If it is not the practice, why has the Hon'ble Minister acted in that way in dealing with this case ?

The Hon'ble the Minister for Local Self-Government : There is definite documentary evidence and the Commissioner's report.

Mr. C. Y. Chintamani : Does the Hon'ble Minister consider that these unconfirmed reports are evidence justifying such serious action as he has been a party to ?

The Hon'ble the Minister for Local Self-Government : As I have already said, no decision has yet been given.

Mr. C. Y. Chintamani : If no decision has yet been given, will the Hon'ble Minister be pleased to consider that due weight should be given to the opinion of the Board and the opinion of the public with regard to the action of the Commissioner before he approves of that action and confirms it ?

The Hon'ble the Minister for Local Self-Government : The matter will be examined in its proper perspective and bearing.

Rai Sahib Rai Rajeshwari Prasad : With regard to the last portion of the answer, may I know under what section of the District Boards Act or under what rule the action of threat to supersede the Board if they did not obey the Commissioner's order pending the decision of Government was taken by Government ?

The Hon'ble the President : Is the section not quoted in the answer itself ?

Rai Sahib Rai Rajeshwari Prasad : No Sir. The quotations refer to something else ; my question refers to something else.

The Hon'ble the Minister for Local Self-Government : There is no question of threat. The attention of the Board has been drawn to the fact that if they infringe this section, they are laying themselves open to trouble.

Rai Bahadur Babu Awadh Bihari Lal : Was Babu Mutsaddi Lal an assistant tax officer before ?

The Hon'ble the Minister for Local Self-Government : He has no previous experience as far as I remember.

Rai Bahadur Babu Awadh Bihari Lal : Was he an assistant tax officer in this very Board before he was appointed whole-time tax officer ?

The Hon'ble the Minister for Local Self-Government : When he was appointed as an assistant tax officer, objection was taken.

Rai Bahadur Babu Awadh Bihari Lal : Has he been holding this post for some time ?

The Hon'ble the Minister for Local Self-Government : I think he was appointed on 15th August.

Rai Bahadur Babu Awadh Bihari Lal : What has been his conduct since then in that capacity ?

The Hon'ble the President : I am afraid the honourable member does not seem to have read the answers to the questions.

Rai Sahib Rai Rajeshwari Prasad : The Hon'ble Minister has said that if the Board did not obey the Commissioner's order pending the final orders of Government, it will land itself into trouble. May I know what that trouble would be ?

The Hon'ble the Minister for Local Self-Government : The trouble will be that if they flout the section, some disciplinary action will naturally have to be taken.

Rai Sahib Rai Rajeshwari Prasad : May I know under what section or rule will this action be taken ?

The Hon'ble the President : The matter is a bit premature. It is still under the consideration as the Hon'ble Minister has said.

Babu Ram Bahadur Saksena : Is it a fact that Mr. Mutsaddi Lal was appointed with a very substantial majority of votes and therefore he enjoys the confidence of the public ?

The Hon'ble the Minister for Local Self-Government : I cannot say whether he enjoys the confidence of the public, but he was appointed by a majority of votes.

Babu Ram Bahadur Saksena : Does the Hon'ble Minister mean that if the appointment is allowed to remain, he will not enjoy the confidence of the public ?

The Hon'ble the Minister for Local Self-Government : Because it is thought that he might act in a manner which might be detrimental to the interests of those who do not see eye to eye with him in politics.

The Hon'ble the President : Let us now pass on.

REMISSIONS IN RENT AND REVENUE

*22. **Pandit Brahma Dutt alias Bhaiya Sahib :** (a) Will the Government be pleased to state if it is a fact that no statements for remission of revenue will be compiled for permanently settled mahals in the general scheme being worked out on a new formula for the remission of rent and revenue in the next year, i.e. 1341 *Fashi*, although rents will be remitted in these also like those in the ordinary mahals ?

(b) If the reply to question (a) be in the affirmative, will the Government be pleased to state whether the orders if any issued, relate to the mahals in the *permanently settled areas* only, such as are in the districts of the Benares Division or to all sorts of permanently settled mahals throughout the Province ?

(c) If the reply to the latter part of question (b) above be in the affirmative, is the Government aware that in the case of the five taluqas in Oudh, viz., Gopal Khera, Maurawan, Sessendi, Katiari and Balrampur mentioned in Schedule II of the Ouh Estates Act of 1869, they will have no remission in revenue along with remissions in rent ?

The Hon'ble the Finance Member : (a) Yes.

(b) To all permanently settled mahals throughout the Province.

(c) Yes.

Pandit Brahma Dutt alias Bhaiya Sahib : With reference to the reply to part (a) of the question, will the Government be pleased to state why no statements for remission of revenue will be compiled for permanently settled mahals ?

The Hon'ble the Finance Member : For the simple reason that their revenue is permanently settled.

APPOINTMENT OF TRAINED TEACHERS

***23. Pandit Moti Lal Bhargava** (*absent*) : (a) Will the Government be pleased to state what steps they have taken in connexion with the resolution adopted by the Board of High School and Intermediate Education on 10th November, 1932, relating to the policy laid down in the Director of Public Instruction's letter no. 82, XVII—126, dated 4th August, 1932?

(b) If no action has yet been taken do they propose to take any action, if so, what and when?

The Hon'ble the Minister for Education : (a) Inspectors have been consulted in the matter and facts showing the number of teachers affected and the probable effect of the proposal on the employment of trained teachers are being collected.

(b) Government will decide the matter as soon as these enquiries are complete.

CONFINEMENT OF BACHA BABU IN AGRA JAIL

***24. Pandit Joti Prasad Upadhyaya** : (a) Are Government aware that Bacha Babu alias Kampta Prasad is confined as an under-trial prisoner in the Agra District Jail?

(b) How long has he been in the lock-up as an under-trial prisoner and why?

(c) Is the said Bacha Babu confined in a solitary cell at present? If so, since when?

(d) Have the jail authorities been instructed to change his cell every night? If so, why?

(e) Has Bacha Babu committed any offence within the jail premises during his long stay in the jail?

(f) If not, why and under whose orders this punishment of confining him in a cell has been given to him?

(g) Did a non-official visitor note this fact in his inspection note on 20th May, 1933?

(h) What action has been taken by the Government or the Inspector General of Prisons on that note?

(i) Is it a fact that Bacha Babu is suffering from acute trouble in his urethra?

(j) What was his weight when he entered the jail and what is his weight now?

The Hon'ble the Home Member : (a) Yes.

(b) He has been in the jail as an under-trial under section 396/397, Indian Penal Code, since 6th August, 1932.

(c) He is lodged in a cell from 29th March, 1933.

(d) The cells of all prisoners reported as dangerous are changed every night as a precaution and he is reported to be a dangerous revolutionary.

(e) Yes.

(f) He is not lodged in a cell as a punishment but as a precautionary measure under paragraph 782 of the Jail Manual.

(g) Yes.

(h) Government did not see the note. The Inspector General of Prisons considered that no action was necessary.

(i) He is suffering from a chronic disease.

(j) Weight on admission was 98 lb. and the present weight is also the same.

Pandit Joti Prasad Upadhyaya : What is the authority which held this prisoner to be a dangerous under-trial prisoner ?

The Hon'ble the Home Member : On a report made by the police to the Superintendent of the jail. As it will be observed he is an under-trial prisoner for an offence of dacoity with murder and I believe he has already been committed to the Court of Session. I do not want to say anything on the matter as it is *sub judice*, but as I have already said he is reported to be a dangerous revolutionary and that report is from the police.

Pandit Joti Prasad Upadhyaya : I think my question is not answered. I want a reply to this question. What is the authority which held that this prisoner was a dangerous under-trial prisoner ?

The Hon'ble the Home Member : I have already stated that the Superintendent of the jail received a report from the police that this man was a dangerous revolutionary.

Pandit Joti Prasad Upadhyaya : Did the Superintendent of the Central or the District Jail ever write to the Government that he was a dangerous prisoner in answer to the inquiries made from him in regard to my questions ?

The Hon'ble the Home Member : When questions were received we asked the Superintendent of the jail to send us draft replies. Government had no information previously about this man.

Pandit Joti Prasad Upadhyaya : My question is whether the Superintendent of the jail ever wrote to the Government in answer to the inquiry in regard to these questions that this prisoner was a dangerous prisoner.

The Hon'ble the Home Member : I have already said that when the honourable member put these questions they were sent to the Superintendent of the jail for draft reply. The draft reply we received from the jail authorities is that he has been confined in a cell because he is reported to be a dangerous revolutionary.

Pandit Joti Prasad Upadhyaya : Under whose orders he has been confined in a solitary cell since March, 1933 ?

The Hon'ble the Home Member : I have already said that under paragraph 782 of the Jail Manual it is open to the Superintendent of the jail to keep prisoners confined in cells for safety. This is exactly what has been done in this case.

Pandit Joti Prasad Upadhyaya : Is it open to the Superintendent of a jail under this paragraph to confine any prisoner in a solitary cell ?

The Hon'ble the President : It is a matter of interpretation of rules.

Pandit Joti Prasad Upadhyaya : Sir, I want to know whether any offence was committed by this prisoner in the jail throughout the whole of the period during which he was confined there as an under-trial prisoner ?

The Hon'ble the Home Member : If the honourable member will kindly refer to the answer to part (e) of the question he will find that the answer is "yes."

Pandit Shri Sadayatan Pande : May I know since how long this prisoner has been in jail as an under-trial prisoner ?

The Hon'ble the Home Member : The answer is there that he has been confined since 6th August, 1932.

Pandit Joti Prasad Upadhyaya : Are the Government aware that on account of some acute trouble in his urethra this prisoner is very restless in the jail ?

The Hon'ble the Home Member : I have no information.

Mr. C. Y. Chintamani : As the prisoner has been under trial for so long, cannot Government take any action to expedite his trial ?

The Hon'ble the Home Member : I understand from a newspaper report that the case has been committed to the Court of Session.

Pandit Joti Prasad Upadhyaya : Is the Government not aware that he is a Vaish by caste and therefore he cannot ordinarily be held as dangerous ?

SHORT NOTICE STARRED QUESTIONS

REMISSIONS IN RENT AND REVENUE

*1. **Rai Sahib Rai Rajeshwari Prasad :** (1) Will Government please state—

(a) in what districts have remissions in rent and revenue due to calamities such as hail and frost during the year 1340 *Fasli* been announced ?

(b) in what districts the remissions have not yet been announced ?

(2) In case the remissions have not yet been announced will Government please state the reason for the delay in the announcement ?

(3) Is Government aware that in certain districts payment of rents by tenants is being withheld in anticipation of the remissions on account of the agricultural calamities of 1340 *Fasli* ?

The Hon'ble the Finance Member : (1) Government have no information as to the announcement of remissions ; but as the local officers generally ask for sanction by wire, there is unlikely to be

a delay between sanction and announcement. The statement laid on the honourable member's table shows the districts in which remissions have been sanctioned, those in which no remission is required, the one in which it is unlikely that and those in which it is doubtful whether any proposals will be made.

(See Appendix D, page 408.)

(2) In three districts further inquiry from the local officers has been necessary on receipt of the final proposals, as they left some points in doubt. In one district the preliminary, but not the final, proposals have been received: Government are not aware of the reason for the delay in this case. In four districts no proposals have been received, and it is doubtful whether any will be received now. In ten districts no proposals will be made, and in thirty remissions have been sanctioned.

(3) Yes.

Rai Sahib Rai Rajeshwari Prasad: With regard to the statement laid on the table may I know why in those cases in which no proposals have so far been received the Government concluded that no proposals will come at all?

The Hon'ble the Finance Member: The position is that all the proposals that are likely to be made have been made by now. There may possibly be more proposals.

PROPOSED TRANSFER OF THE BADRINATH TEMPLE

*2. **Babu Ram Bahadur Saksena:** What is the attitude of the Government towards the question of transfer of Badrinath Temple?

The Hon'ble the Minister for Education: The attitude of Government is undecided.

Babu Ram Bahadur Saksena: When will the Government come to a decision in the matter?

The Hon'ble the Minister for Education: Sir, it is impossible to forecast.

Babu Ram Bahadur Saksena: Will it be possible for Government to wait till the inauguration of the new reforms?

The Hon'ble the Minister for Education: I could not say.

Babu Ram Bahadur Saksena: In fulfilment of the promise given to this House at the time of the last budget session will the Council be allowed an opportunity to discuss this question?

The Hon'ble the Minister for Education: It is difficult for me to say. There was a resolution tabled this session which was not allowed. I do not know whether a discussion of the subject would be permitted in future.

Babu Ram Bahadur Saksena: Will the Government consider the advisability of formation of a committee of this House to inquire into the question before the Government comes to a final decision?

The Hon'ble the Minister for Education: The Government have not gone into the matter.

Babu Ram Bahadur Saksena : Is the Government prepared to consider this proposal?

The Hon'ble the Minister for Education : If a proposal is made, it will naturally be considered by Government.

Babu Ram Bahadur Saksena : A suggestion to that effect has been made in the question that I asked just now. Is the Government prepared to consider that as a suggestion?

The Hon'ble the Minister for Education : We have not looked into the matter yet. Everything depends on circumstances.

Mr. C. Y. Chintamani : What circumstances?

The Hon'ble the Minister for Education : There are so many things to be taken into consideration?

Mr. C. Y. Chintamani : What are they?

The Hon'ble the Minister for Education : I ask for notice of the question.

Mr. C. Y. Chintamani : Will the Hon'ble Minister state why a subject on which questions have been answered could not be allowed to be properly discussed by the House?

The Hon'ble the President : I think it is not for the Hon'ble Minister to say.

Babu Ram Bahadur Saksena : Is it not possible to improve the management of the Badrinath Temple without its being transferred to the Tehri State?

The Hon'ble the President : It is going much beyond the question on the agenda.

Pandit Prem Ballabh Belwal : Does the Government propose to take any part of the Tehri State in exchange of the Badrinath Temple from the State?

The Hon'ble the President : That question is disallowed.

Babu Ram Bahadur Saksena : Will the Government invite opinion of the Hindu public outside the province before coming to a final decision in the matter?

The Hon'ble the Minister for Education : We have already received lot of opinions from important bodies and we have since asked Hindu members of this Council to give their opinion.

Babu Ram Bahadur Saksena : Am I to understand that the opinions that have been received from outside this Province were invited?

The Hon'ble the Minister for Education : Lot of opinions from outside the Province have been received.

Pandit Shri Sadayatan Pande : May I know from what provinces opinions have been received so far?

The Hon'ble the Minister for Education : I cannot answer the question offhand. Numerous opinions have been received.

Raja Jagannath Bakhsh Singh : Is it the intention of the Government to appoint a committee of officials or non-officials to consider this question, or all these opinions will be considered by the Government themselves ?

The Hon'ble the Minister for Education : Yes, they will be considered by the Government.

Raja Jagannath Bakhsh Singh : Am I to understand that Government propose to constitute no committee at all either of officials or non-officials, or of officials and non-officials both to consider this question ?

The Hon'ble the Minister for Education : Government have got the views of the Hindu Religious Endowment Committee. They went into the matter very thoroughly.

Raja Jagannath Bakhsh Singh : Is the Government aware that they were not competent to give any opinion on this subject, nor was there any reference made to it ?

The Hon'ble the Minister for Education : They have made their recommendations in regard to the better management of the Temple.

Raja Jagannath Bakhsh Singh : Is that not beyond their terms of reference and voluntary ?

The Hon'ble the Minister for Education : No, they were especially asked to look into it.

Raja Jagannath Bakhsh Singh : Is the Government sure ?

The Hon'ble the Minister for Education : Yes, quite sure.

Mr. C. Y. Chintamani : Did the committee report upon the advisability of transfer to the Tehri State or only recommend a better scheme of management with the Temple still as part of the United Provinces ?

The Hon'ble the Minister for Education : They discussed the question of the better management of the Temple.

Mr. C. Y. Chintamani : The committee had nothing to do with the transfer ?

The Hon'ble the Minister for Education : Not that I remember of, but I won't be sure.

Mr. C. Y. Chintamani : With reference to the Hon'ble Minister's statement that a lot of opinions from this province and outside have been received by Government, will the Hon'ble Minister consider the publication of a summary of these opinions for general opinion so that the weight we can attach to them may be considered ?

The Hon'ble the Minister for Education : I will consider the proposal, Sir.

Raja Jagannath Bakhsh Singh : Will the Hon'ble Minister read the references made by the committee in question—I mean the Charitable Endowments Committee ?

The Hon'ble the Minister for Education : I have read them.

Raja Jagannath Bakhsh Singh : Will he read them out to us ?

The Hon'ble the Minister for Education : I have not got the report with me here.

Raja Jagannath Bakhsh Singh : How could he then be sure that the reference to the Temple is contained there ?

The Hon'ble the Minister for Education : Because I have read them, Sir.

Raja Jagannath Bakhsh Singh : Will he kindly let us know if he read them and remembers them.

The Hon'ble the President : That will require notice obviously.

Babu Ram Bahadur Saksena : Was an application received for permission to file a suit under section 92 of the C. P. C. with regard to the Temple ?

The Hon'ble the Minister for Education : Yes, several.

Babu Ram Bahadur Saksena : Is it a fact they were all disallowed ?

The Hon'ble the Minister for Education : Yes.

Babu Ram Bahadur Saksena : On what grounds ?

The Hon'ble the Minister for Education : Sir, I do not remember the legal grounds.

Babu Ram Bahadur Saksena : Do the Government consider the management of the Badrinath Temple good ?

The Hon'ble the President : That is another matter.

Mr. Brijnandan Lal : Is the Government aware that most of the representations and telegrams emanate from the same source ?

The Hon'ble the Minister for Education : No, certainly not.

Rai Bahadur Babu Vikramajit Singh : Will the Government be guided in this matter by the opinion of the Sanatan Dharma bodies ?

The Hon'ble the Minister for Education : Yes, we would naturally attach great importance to their views.

Raja Jagannath Bakhsh Singh : Will the Government ask for collective opinions of Sanatan Dharma bodies or will they only be satisfied by individual opinions ?

The Hon'ble the Minister for Education : The different bodies have sent in their opinions as I said and we will take them into consideration.

Raja Jagannath Bakhsh Singh : My point is this, Sir. Will the Government obtain collective opinions also, that is, ask certain bodies to consider the question and give their collective opinion, or would the Government prefer to collect individual opinion only ?

The Hon'ble the Minister for Education : It is our responsibility to sift those opinions.

Pandit Shri Sadayatan Pande : With regard to the various representations so far received from Sanatan Dharma bodies and individual persons is not the Hon'ble the Minister aware that there is an overwhelming majority against the question of transfer of the Badrinath Temple to the Tehri State ?

The Hon'ble the President : That is begging the question, I am afraid.

Mr. C. Y. Chintamani : Do Government realize that the entire Hindu community all over the country is concerned in this question and not merely the so-called Sanatan Dharma Associations ?

The Hon'ble the Minister for Education : Yes.

Mr. C. Y. Chintamani : Are the Government aware whether such Sanatan Dharma Associations as exist either in this province or in other provinces are very partially representative of the opinion of the community as a whole and will they therefore give weight to the opinion of the community ?

The Hon'ble the President : I am afraid this is going into the representative capacity of the associations concerned and the Hon'ble Minister cannot be said to be responsible for their administration.

Mr. C. Y. Chintamani : Will the Hon'ble the Minister state whether this question of the transfer of Badrinath Temple to Tehri State has arisen out of or is a part of the bigger question of the claim by the Tehri State for some British territory in or near about Mussoorie and it is being considered as a *quid pro quo* ?

The Hon'ble the President : This question was put by another honourable member and was disallowed.

Babu Ram Bahadur Saxena : Is it a fact that the transfer is based on the fact that properties belonging to the Temple are not being properly managed ?

The Hon'ble the Minister for Education : Yes, there are complaints against the present system of management.

Babu Ram Bahadur Saksena : That being so, will the Hon'ble Minister be pleased to say why permission was not given to file a suit under section 92 of the Civil Procedure Code ?

The Hon'ble the Minister for Education : I do not remember the grounds : but the matter was gone into very carefully by Government.

Babu Ram Bahadur Saksena : Will Government be prepared to consider any such application, if made ?

The Hon'ble the President : This is a hypothetical question.

THE UNITED PROVINCES TOWN AREAS ACT (AMENDMENT) BILL

The Hon'ble the Minister for Local Self-Government : I beg to move that the Bill to amend the United Provinces Town Areas Act, II of 1914, as amended, be passed.

Mr. C. Y. Chintamani : Sir, I rise to oppose the motion. That this motion would be opposed must have been evident from the proceedings of yesterday afternoon on some of the clauses of the Bill, particularly clause 22, and it was because of that that we availed ourselves of the opportunity afforded by the Standing Orders and objected to this motion being made yesterday.

In dealing with this motion, I think it relevant, subject to your ruling, Sir, and I think it necessary, to take a somewhat wider view of the policy of the Government than might appear on the face of the Bill. The point that emerges unmistakably from the nature and tendency of the more important provisions of the Bill is this—that in the opinion of the Hon'ble Minister and of the Government of which he is a part the areas called town areas for purposes of the law are not competent to manage the affairs entrusted to them, that they cannot be trusted to act with reasonable efficiency and with due regard to public interests and that, therefore, a watch dog should be set upon them in the familiar figure of the District Magistrate, so that the decisions taken by the town area committees might be rendered infructuous and action thereupon might be rendered impossible by the order of the outside authority called the District Magistrate. We have done without this watch dog so far as this.

The Hon'ble the President : There is too much of talk on the floor of the House ; the honourable member is not being heard.

Mr. C. Y. Chintamani : We have been able to do without this watch dog so far as the town area committees are concerned during the years that this Act has been in force. The burden of proof is on the other side to show that the absence of the watch dog has led to public inconvenience or public danger and that, therefore, it is necessary to make provision in that behalf. We challenged the Hon'ble Minister yesterday and we extended that challenge to his non-official supporters to cite one solitary, concrete, actual case where embarrassment has been caused by the absence of this provision on account of which these clauses of the Bill have been put forward.

Neither from the Government side nor from the supporters were any conjectural or possible or hypothetical cases forthcoming. The Hon'ble Minister, who is so pathetically ready to get hold of the adjective "possible" in order to escape the embarrassment of questions on which he has no information or which he cannot answer with credit to himself, had to be content yesterday afternoon with falling upon possibilities of the future, upon conjectural cases, and did not succeed in putting forward one actual case which had driven him to the necessity of bringing forward the Bill. At this moment, Mr. President, when the Committee in England is engaged in the examination of proposals for constitutional reforms, which, if carried into effect, are expected by their supporters and advocates to bring into existence autonomous provincial governments and partially responsible central government, at this juncture a measure like this which casts a reflection upon the competence of the very small bodies, called the town area committees, to manage the very small affairs entrusted to them without a power proposed to be given to the District Magistrate, must be very strongly justified before it can be assented to by any responsible body of Indian opinion, which does not think that an Indian is congenitally incompetent to look after himself and his affairs. I shall not be surprised if the Hon'ble Minister is one of those Indians who may be thinking that he

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himself and his countrymen answer this description. But that will not be enough to convince us. He must put forward cases. He has had several opportunities of discharging that burden when he introduced the Bill, when he moved that that Bill be referred to the select committee, and when he presented the report of the select committee. In the course of yesterday afternoon's debate he has not been able to utilize a single one of these opportunities to prove that, the proof of which is an indispensable preliminary to assent being given to the Bill. I, therefore, presume that he is not able to prove it. Therefore it follows that his Bill cannot be supported. For these reasons I oppose the motion, with liberty to myself to change my opinion if in the speech which the Hon'ble Minister will make he is able to produce cases which will make a convert of me to his view. I hope that he will not succeed, but in case he does, I leave a corner of my mind open in order to be a convert to his opinion.

(The Hon'ble Minister for Local Self-Government rose)

The Hon'ble the President : I may just point out that after the speech of the Hon'ble Minister there can be no speech on this motion. So if any honourable member wishes to speak on it, he had better do so now ; otherwise he will be too late.

Raja Jagannath Bakhsh Singh : If I did not rise earlier it was because I thought that the speech of the Hon'ble Minister may be such as to make a convert of even the Leader of the Opposition to his view, and so it may become unnecessary to waste the time of the House by any further speeches. In view of your ruling, Sir, that after the Hon'ble Minister has spoken nobody will have a right to speak on the motion, I crave your indulgence to make a few observations on the subject. I whole-heartedly support the principle which actuated my honourable friend, the Leader of the Opposition, to oppose the motion that the Town Areas Bill, as amended, be passed. I agree with him that where a new provision has to be enacted it is the duty of the Government to put forward before the House concrete cases justifying its need. If there are no such cases in the possession of the Government or in that of its supporters, I am of opinion that the case for such a provision is rather weak, and in these circumstances, perhaps, it would be proper for the Government to drop that provision. In regard to that particular provision there was very strong opposition yesterday, and this has repeated itself today.

Although this provision exists in the Municipalities Act and the District Boards Act, yet the existence of such a provision in those enactments cannot justify its inclusion in other Acts. Suppose by mistake a bad provision in some enactments has escaped the attention of the Council, there can be no reason why the same mistake should occur again and again. If it is not a mistake, the Government would evidently give examples to show that it was not a mistake and that its necessity will arise in the near future. Then the case would have been quite different. But in the absence of any such explanation, any non-official member is likely to think that the case of the Government is rather weak and that they are counting upon dumb

votes which generally they can muster on their side. Well, this will not pay them in the long run. The proper strength of a Government is to stand upon reason. Merely canvassing of votes in times of need is not the real strength and no Government is safe which stands upon it. I would, therefore, in the words of previous speakers, ask the Member-in-charge to carefully consider this matter, and unless a strong case is made out, I hope he will accede to the wishes of the opposition, and not merely say that this is a thing which exists in other enactments which concern the administration of local self-government. Otherwise the members on this side would try for the amendment of this section at some other time. If the Government takes up an obstinate view of the matter at present, it will be difficult for it to stand up and accept the request of the non-official members in the near future. That would merely make the position of the Government more awkward. With this view I think the Government will consider the matter, and I hope that when the Hon'ble Minister rises to give a reply he will not try to escape with the remark that the matter is hypothetical as he did in another case today, but that he will accept the proposal.

Rai Bahaadur Babu Awadh Bihari Lal—Sir, yesterday I was of opinion that the provisions contained in clause 22 were innocuous inasmuch as they existed in the Municipalities Act and the District Boards Act. The whole country is administered in certain respects by local bodies. The district boards cover the rural area, the municipalities, the urban area and some small towns are included in the town areas, so that if a provision exists in the Municipalities Act and in the District Boards Act the town areas as small bits here and there should not be left out. But a discussion in regard to certain questions this morning disclosed that this section could be used for absolutely different purposes. Now if any local body appointed a person who had taken part in the Congress movement, he could be debarred from appointment under one of these sections. To say that a tax officer who has taken part in a political movement once, will always be causing annoyance to persons whom he assesses and from whom he collects taxes,—I think furnishes an instance where this power can be abused, rather than an instance where its legitimate use might be necessary. With this view I think that this provision in the Town Areas Act which administers very small affairs—a little drain here and some conservancy work there—and raises small taxes from the residents, is hardly justified on the ground that these acts could cause any annoyance to the public. I, therefore, oppose the Bill.

The Hon'ble the Minister for Local Self-Government : I yield to none in my desire to uphold the dignity, the privileges and the rights of the local bodies, and I can make bold to say that I have consistently done so, wherever their vital interests have been involved. At the same time I have always been conscious of the fact that I as a responsible member, as a Minister, must do something to help them carry out the duties and responsibilities up to an efficient standard and up to a standard that will command admiration in every direction, not only in this country but even beyond the seas. That is the point

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of view which cannot be completely lost sight of. We have passed the stage when we looked to every little thing to prove our fitness to rule in our own country. That question is beyond the pale of discussion. It has been proved beyond all doubt that we are fit to rule in our own country. We have reached the stage when we cannot with equanimity sit down and watch these local bodies learning through blunders. They have had sufficient opportunities to learn through blunders and the stage has been reached when in the public interest and in the interests of the reputation of India herself we must do all that lies in our power to raise the general level, to raise the general standard of the administration of the local bodies. I am not speaking in a carping spirit of criticism, or in a spirit of hampering their activities, but with the sole desire to help them to run the administration so efficiently as to inspire the confidence of the public and also command esteem, as I have said, of other countries.

With this preliminary remark I should like to make it clear to my friend the Leader of the Opposition that I have always tried to help the local bodies and that I have never done anything to prejudice their interest in any manner.

For the first time I have seen my friend the Leader of the Opposition really putting forward very feeble arguments and not delivering a forceful speech which always has a stirring aspect about it and which always calls forth admiration. The obvious reason is that unfortunately he has not got strong grounds to advance. He repeated the same arguments that were advanced yesterday, viz., that the burden of proof lies on the Government to show why this section has been brought in here. This point was practically mooted threadbare yesterday. If any burden of proof could be imposed on any party it is on those who say that the bringing in of this clause is not desirable, and that the operation of similar provision in the District Boards Act and Municipalities Act has been such as to prove beyond all doubt that it would be detrimental to public interest. Experience tells us that these salutary provisions have gone to a considerable extent to help the local bodies in avoiding mistakes, and also the troubles which any action of theirs bring about. Therefore, I say, that no case has been made out to show that a similar provision in the Town Areas Act is not desirable. It will have to be admitted that the operation of the Town Areas Act has only been able to help the town areas to improve and develop themselves and yet town areas cannot be regarded as efficient as the municipalities and the district boards are, and therefore they stand certainly in greater need for help and guidance. Commonsense dictates that all those provisions should be regarded as salutary and helpful; and as they have proved to be helpful in municipalities and district boards, there is no reason why similar provision should not be incorporated in the Town Areas Bill. There is no question of casting reflection on the local bodies. It is absolutely beside the point. It is purely a question, as I have said, of giving them guidance and helping them in carrying on their administration

efficiently and also helping them not to commit mistakes, which they may commit because of error of judgment, or because of mistaken ideas. From this point of view, the efficiency and importance of this section cannot be sufficiently emphasized. My friend the Rai Bahadur Sahib, who did recognize till yesterday the necessity and importance of these provisions in the Bill, today has felt a certain amount of doubt and he fears that probably these provisions may be misused against the Congress. Nothing of the kind. If any wrong action is taken by the District Magistrate or the Commissioner, the matter has to come before the local Government, and the honourable member must not lose sight of the fact that they have now got their own Ministers and soon they are going to have the completest form of self-government in the provinces. You want your own opinion through the Ministers to prevail; you want your own eyes to watch their activities. You want to help them; you want to improve the administration. That is what you will be doing through these sections, which otherwise you would not be able to do.

Argument has been advanced that no cases have arisen so far where the necessity of this provision was felt. That I think, even if there was not a single case, is beside the point. That argument has no force in it at all, because it has been proved beyond all doubt that the working of similar sections in the municipalities and district boards have had a very salutary effect indeed and therefore a similar provision in the Town Areas Bill is a necessity, and commonsense compels us to admit that when similar provisions have been found useful elsewhere, it should prove equally useful in the town areas also.

These were all the points that were advanced by the honourable members who have spoken and it seems to me that all the arguments that have been advanced today are practically the same as were advanced yesterday, and I regret to say they have no force. I therefore strongly oppose the motion that has been made by the Leader of the Opposition.

The Hon'ble the President : Before I put the question to the House, I should like just to say that one clause yesterday was deleted by the House, namely clause no. 13. No consequential amendment was moved that the clauses subsequent to that be re-numbered. I think, if the House has no objection—it is only a clerical thing—I will order that the clauses be re-numbered. I will now put the question.

The question is that the Bill to amend the United Provinces Town Areas Act, II of 1914, as amended, be passed.

The question was put and agreed to, the House dividing as follows : Ayes, 61, Noes, 16.

Ayes

Abdul Hasan, Saiyid.
Afzal-ud-din Hyder, Shaikh.
Ahmad Shah, Mr. E.
Ain-ud-din, Khan Bahadur, Saiyid.
Allsop, Mr. J. J. W.
Arjun Singh, Chaudhri.
Baldeva, Chaudhri.

Bharos, Chaudhri.
Bhundu Ram, Mr.
Bisheshwar Dayal Seth, Rai Bahadur, Kunwar.
Blunt, The Hon'ble Mr. E. A. H.
Brij Lal Badhwar, Rai Bahadur, Mr.
Clay, Mr. J. M.

Carleton, Captain M. O.
 Dhakan Lal, Rai Sahib, Kunwar.
 Dharya Singh, Chaudhri.
 Drake-Brockman, Mr. D. L.
 Fasih-ud-din, Khan Bahadur, Maulvi.
 Plowden, Mr. P. C.
 Ghasita, Chaudhri.
 Ghazanfarullah, Khan Bahadur, Hafiz.
 Habibullah, Khan Bahadur, Maulvi Saiyid.
 Habibullah, Shaikh Muhammad.
 Hari Kishen Mathur, Mr.
 Hidayat Husain, Khan Bahadur, Hafiz.
 Hollins, Mr. S. T.
 Imtiaz Ahmad, Khan Sahib, Muhammad.
 Jagannath, Chaudhri.
 Jagdish Prasad, The Hon'ble Kunwar.
 Jarnesh Ali Khan, Captain Nawab Muhammad.
 Joti Prasad Upadhyaya, Pandit.
 Jwala Saran Kothiwala, Rai Sahib, Sahu.
 Kamta Nath, Babu.
 Kharegat, Mr. P. M.
 Lane, Mr. H. A.
 Mackenzie, Mr. A. H.
 Masud Ali Khan, Khan Bahadur, Muhammad.

Mason, Mr. P.
 Masud Ali Khan, Mr.
 Muhammad Yusuf, The Hon'ble Nawab Sir.
 Narsingh Rao, Rao.
 Nazar Husain, Shah.
 Perma, Mr.
 Phul Chand Mogha, Rai Bahadur, Babu.
 Rahmat Khan, Mr. Muhammad.
 Ram Adhin, Chaudhri.
 Ram Chandra, Chaudhri.
 Ram Dayal, Chaudhri.
 Rama Charana, Rai Sahib, Babu.
 Sadayatan Pande, Pandit Shri.
 Sathe, Mr. J. L.
 Shakirdad Khan, Khan Bahadur, Sirdar Muhammad.
 Shiva Pati Singh, Rai Bahadur, Thakur.
 Srivastava, The Hon'ble Mr. J. P.
 Srivastava, Mrs. Kailash.
 Suraj Din Bajpai, Rai Bahadur, Pandit.
 Surendra Pratap Sahi, Rai Bahadur, Kunwar.
 Tappu, Mr.
 Vikramajit Singh, Rai Bahadur, Babu.
 Zahid Ali Sabzposh, Khan Bahadur, Saiyid.
 Zahur Ahmad, Mr.

Noes

Ali Zaheer, Syed.
 Awadh Bihari Lal, Rai Bahadur, Babu.
 Balwant Singh Gahlot, Thakur.
 Brahma Dutt, Pandit, *alias* Bhaiya Sahib.
 Brijnandan Lal, Mr.
 Chintamani, Mr. C. Y.
 Gajadhar Prasad, Babu.
 Giriraj Singh, Thakur.

Jagannath Bakhsh Singh, Raja.
 Jagbhan Singh, Kunwar.
 Muhammad Ali, Chaudhri.
 Muneshwar Bakhsh Singh, Thakur.
 Prem Ballabh Belwal, Pandit.
 Rajeshwar Bali, Rai.
 Rajeshwari Prasad, Rai Sahib.
 Ram Bahadur Saksena, Babu.

THE UNITED PROVINCES REDUCTION OF INTEREST BILL THE USURIOUS LOANS (UNITED PROVINCES AMENDMENT) BILL

THE UNITED PROVINCES AGRICULTURISTS' RELIEF BILL

The Hon'ble the Finance Member : I think it will make for convenience if I introduce all these Bills together.

I introduce the United Provinces Reduction of Interest Bill, the Usurious Loans (United Provinces Amendment) Bill and the Agriculturists' Relief Bill.

I move that the Bills be referred to a select committee. It is here said that it should consist of 16 members, but for various reasons, which I will explain subsequently, I would like to increase the number to 21.

The Hon'ble the President : Will the Hon'ble the Finance Member kindly give me the extra names ?

The Hon'ble the Finance Member: Fifteen already on the paper are :

Mr. C. Y. Chintamani,
 Raja Jagannath Baksh Singh,
 Khan Bahadur Hafiz Hidayat Husain,
 Khan Bahadur Haji Muhammad Obaidur Rahman Khan,
 Khan Bahadur Maulvi Fasih-ud-din,
 Rai Bahadur Babu Vikramajit Singh,
 Pandit Joti Prasad Upadhyaya,
 Rai Rajeshwar Bali,
 Captain Nawab Muhammad Jamshed Ali Khan,
 Saiyid Yusuf Ali,
 Rai Sahib Sahu Jwala Saran Kothiwalla,
 Mr. Brijnandan Lal,
 Rao Bahadur Kunwar Sardar Singh,
 Rai Bahadur Babu Phul Chand Mogha,
 Mr. H. A. Lane,

and the extra names are :

Chaudhri Muhammad Ali,
 Rai Bahadur Pratapbhan Singh,
 Raja Saiyid Ahmad Ali Khan Alvi of Salempur,
 Babu Ram Bahadur Saksena, and
 Mr. Zahur Ahmad.

Before the question of actual election comes up, I should like to make a few remarks about these Bills. I suppose there is no piece of legislation in the memory of any member of this Council that has caused quite so much work. Members will remember that the work began with a debate in Council on a resolution which I moved to appoint an Agricultural Debt Committee. That was followed by special inquiries by the revenue staff in some 2,500 villages under the direction of four of our best officers, and that material was supplied to the Debt Committee. Then followed very lengthy deliberations by the Debt Committee itself. Those again were followed by further scrutiny of their resolutions by what I believe was called an expert committee—I was at Home when they actually deliberated. After that the material was examined at great length by Mr. Sinha, who was the Secretary of the Agricultural Debt Committee, Mr. Lane, myself, and last but not least Sir Malcolm Hailey. Sir Malcolm Hailey, I may say, examined in detail every single proposal and every single resolution that was laid before him. I think we may claim that we all did a great amount of work in this matter and I say that all did their best. The result has been these Bills. Well, that has not finished the work. Since then, we have received criticisms from all Collectors, Commissioners and through them from all sorts of associations and individuals, and many letters and articles have appeared in the press. All these have been collected and we have now a file about a foot high. Now to wind up, there is the debate today. All that material will have to go before the Select Committee.

The Hon'ble the Finance Member]

I should like to say a few words on the Government's attitude towards these Bills. We do not for one moment pretend that these Bills are the best possible, still less that they are the last word. There is no single section to which we are so closely wedded, that divorce or judicial separation is not possible. Indeed I may say that about some of the provisions in them we are very doubtful ourselves. All I claim on behalf of the Government is that we have provided the best that we could, according to our judgment. We are entirely willing to receive in the most accommodating spirit any criticism from any quarter, not only written but oral, as will be the case with the Council's debate, and of course we shall accept in the same spirit the views of the select committee itself. There are possibly a few things to which Government would not agree, but well, those things are not in the Bill. As for what is embodied in the Bill I may say quite frankly that there is absolutely nothing that we are not prepared to consider. So if I may use a simile that may appeal to some of my friends here, this is a rough-hewn stone which we hand over to the select committee and to the Council to polish and put into shape.

Now as regards the future course of business, this mass of evidence to which I have referred is being abbreviated in some cases, possibly expurgated in some cases, and being printed up and annotated, and then I think it will form a fairly large and very interesting volume, of which we shall present a copy to every member of the select committee. We shall ask them in the first place to study that volume with, of course, the Bills. I am afraid that that is possibly a vain hope, for I see the honourable member opposite smiles. However, we shall continue hoping that they will study it. When they have studied it, the committee will meet and consider the Bills in the light of the volume of evidence and the views which I hope by then the members of the committee will have formed on that evidence. I warn the future members of the select committee, their work will probably take them the whole of August—I cannot see how it will take much less. After that, there will have to be a report; it will have to be a very lengthy report. I do not see any chance of actually bringing the Bills for the consideration of the House prior to a session which, so far as I can tell at present,—I am not committing myself—will be held either late in October or early in November or both. Then I hope they will be passed. It is obvious, I think, from this that the select committee has got a very tough job before it and I do hope that everybody who goes into it will be prepared to give his time to it—not only his time but all his ability. I have just one last thing to say and it is an appeal mainly to the House. I hope that in considering this measure of legislation we shall absolutely put aside all feelings of party, and party points of view. It is not a party question at all. We must concentrate like one man on our main object, which is to help the agriculturist, and I particularly want to help the agriculturist because, as I know from many inquiries I have made, that he has helped himself. He has adapted himself to new methods and new conditions. He has never given way. He has fought like a

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THE UNITED PROVINCES REDUCTION OF INTEREST BILL
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tiger. Sir, a man who helps himself, they say, is helped by God. The rain outside suggests that God has changed His attitude, and has begun to help the agriculturist. But for Heaven's sake let this Council also help the agriculturist.

The Hon'ble the President : I take it that the Hon'ble the Finance Member has moved that these Bills be referred to a select committee consisting of honourable members whose names he has read ?

The Hon'ble the Finance Member : Yes, Sir. It is quite obvious that these Bills are so interwoven that they cannot be referred to separate select committees. In fact some provisions of one Bill appear in the other two Bills also.

Thakur Balwant Singh Gahlot : Sir, I congratulate the Hon'ble the Finance Member on the presentation of these Bills and on the sympathy that he has shown towards the agriculturist. But, Sir, I stand up here only because in my opinion these Bills as they have come out are merely an eye-wash.

(At this stage Rai Bahadur Babu Vikramajit Singh took the Chair.)

If the Bills as they are presented and referred to a select committee unless are much improved will not meet the real difficulties of the agriculturist. Sir, the very first thing is that most of these provisions are to be applied to those transactions which will be made after these Bills are put into force. It means that you are making provisions for a person or for a community who is lying on death-bed, and making legislation for future guidance. I think an efficient doctor will try to meet the situation or the difficulty of the present moment in a different way. He will treat the patient at once. These Bills entirely ignore that view-point. I am sorry that all the recommendations of the sub-committee (1) were wiped away by the Debt Inquiry Committee so is the case with the present Bills. The main difficulty today of the agriculturist is to meet his present liabilities that he has incurred during the time of high prices. Now in the objects and reasons of these Bills and everywhere we find that it is said that prices have gone down to the extent of 50 per cent. or the value of the money has increased to the extent of 50 per cent., in other words the liability of the agriculturists has increased by 50 per cent. Is there any provision in these Bills which says that the courts which will have to deal with the liability of the agriculturist will be empowered having regard to the ability of the agriculturist towards payment and then to come to the conclusion whether the liability of the tenant should be curtailed to the extent of 50 per cent. or even 25 per cent.

That modest proposal of cutting down the decretal amount by 25 per cent. has not been embodied in these Bills. Then, what is the relief that these Bills intend to afford to agriculturists. It appears that though the mountains were in labour, they did not produce even the mouse. The other great defect in these Bills is that the landlords as a class—whether big or small—have been entirely ignored. Sir, there

Thakur Balwant Singh Gahlot]

are two sides—one is the dumb millions and the other is the vocal community of money-lenders. Up to this time all the attention has been monopolized by the vocal community and the result is that those dumb millions have been entirely neglected. If these half-hearted measures are passed—and we may congratulate ourselves on passing them—the position in the near future will be quite reversed. Today we feel gratified at the remarks that the agriculturist is fighting his difficulties like a tiger, but my submission is that if you are not able to provide proper remedies, if you are not prepared to take radical steps, it may be that tomorrow that very agriculturist might be fighting against us like a tiger. If, Sir, radical steps are not taken to afford adequate relief to the agriculturist, I submit with all the force and humbleness at my command that that position might soon arise. Now, Sir, all the provisions in the Bills relate to the reduction of interest, but nowhere the sacred capital is touched. When recently there was an emergency cut in the salaries of government servants, there was such a hue and cry that it had to be reduced by 50 per cent. Now, Sir, see the difficulties of the agriculturists. Have they been mitigated in any way? Till the poor agriculturist was in possession of his produce, viz., *gur* and *rab*, the price was Rs.2 a maund. The moment he parted with his produce, the price went up to Rs.4 a maund. That is the condition. I do not mean to suggest at all that these creditors should not receive consideration from this House or from Government, but what I say is that these money-lenders are also businessmen and it is they who mainly derive benefit from other sources as well. The value of money has increased and it is entirely to their advantage; the poor agriculturist does not get any advantage out of the fall in prices—in fact he loses immensely thereby.

Sir, the only point in favour of the creditors and money-lenders is said to be that the poor agriculturist will not have easy flow of credit. I know from my personal experience that in the villages where there is easy credit the condition of the tenants is hopeless, while on the other hand where easy credit is not available the condition of the villagers is a little better. In the villages where there is *takavi wala*, the *sahukar* as well as the co-operative society, the condition of the poor tenants is beyond hope. It is impossible to improve the condition of the villagers unless you wipe out or substantially reduce their liabilities. I challenge those persons who say that easy credit to the tenants will be destroyed if we interfere in this loan business. How many of the so-called well-wishers of the agriculturists advanced loans to them since the fall in prices? So far as I know they have not advanced more than 25 per cent. of what they used to lend formerly. If that is so, how is he fighting like a tiger? The best quality in an Indian agriculturist is that he can adapt himself to all circumstances. If he gets Rs.100, he will spend like a prince, but the moment his income is reduced to Rs.10, he will adapt himself to that condition. He will content himself with one meal a day. There is a tendency in him that he does not look far beyond. If he can borrow money, he will do that without any care. So, Sir, what I want to point out

is that for God's sake do not say that poor agriculturists will be deprived of easy credit and reap the benefit yourself in his name.

Help him with all possible means and be generous in helping the poor agriculturist. If you bring these measures then bring them so that they may be of real help to the agriculturist. Otherwise don't do it, let them stand on their own legs. If they are in a position to pay they will pay, otherwise there is, I should say, a very good saying that they can never be deprived of their skin.

If they themselves feel like this why do you boast that you are really helping the agriculturist. There is a great sore in that community. If you are really helping the agriculturist take strong action. If not then do not bring these half-hearted measures, Sir, which cannot be entirely helping but which may mislead them. What was the reason, Sir, that you curtailed about 25 per cent. of the rents of these zamindars? The next class that was hardly hit by the fall in prices were the zamindars. It goes without saying that they are mostly indebted. They were doubly hit. Then you curtailed their income by 25 per cent. Nobody raised any cry. But now, Sir, the moment the liabilities of these money-lenders, all these people, are affected there is a lot of what I should call useless literature being produced on this subject. Is it worth reading, Sir, that literature, all those arguments daily coming out in the papers? It is a question against the vocal community or an organized propaganda against those dumb millions. Every one of us is having his position as such on the earnings of the poor agriculturists. It is, I must say, in the interests of the creditors themselves, of the business men, of the traders and money-lenders themselves that the poor agriculturist should be helped. If you remove the lowest strata of society, if you make the weak weaker, then your position now standing on the upper rungs of the ladder is certainly weaker also. You may have this top heavy administration, you may have a top heavy society of that sort, but this cannot continue for long. This is bound to fall down some day or other. So these few remarks I make in the hope that the honourable members and especially the Government will see that the important recommendations of the debt inquiry committee, sub-committee no. 1, which have been entirely ignored in these resolutions, which says that prices having fallen by 50 per cent. the amount also must be lessened by this figure or some figure near it are carried into effect. Otherwise that will be merely eye-wash and nothing else.

Pandit Shri Sadayatan Pande : While thanking the honourable the Finance Member on announcing the impartial and truly sympathetic mind of the Government in respect of the amelioration which they propose bringing about in the condition of the agriculturists by various means in the shape of the three Bills, that are being introduced in the Council and now being referred to select committees, I feel I shall be failing in my duty if I did not congratulate my honourable friend Thakur Balwant Singh Gahlot who has very lucidly discussed the present plight of the agriculturists.

Pandit Shri Sadayatan Pande]

We all know, Sir, the present plight of the agriculturist, which, of course, includes the zamindars. The zamindars stand on the income which they derive from the tenants and if their sources are depleted they cannot live. The days of our existence are counted if the condition of our tenants remains as it is at present. I think, Sir, the Government has taken a very sympathetic attitude and worked hard over various ways which it devised for the amelioration in the condition of the agriculturists. The condition of the agriculturists has engaged the most serious attention of the Government for over two years and now I think they are giving the final touch to the picture. The three select committees which will finally shape our future enactments on this subject will be greatly responsible in the shaping of the destinies of the teeming millions of these provinces. I have just had an opportunity of looking at the United Provinces Reduction of Interest Bill which is being referred to the select committee. Sub-section 5 of section 2 of the Bill says that loans by Government or a Bank or by a Co-operative Credit Society will not be included. Well, Sir, Government are clearly showing great partiality to themselves and to the Banks which of course are not unoften Government concerns, they are generally private and limited concerns : and last of all the co-operative societies which are purely a Government concern. I can see Mr. Kharegat whispering in inaudible tones that they are not Government concerns purely but then I must say that the whole machinery is manned by the Government.

Mr. Brijnandan Lal : No, certainly not.

Pandit Shri Sadayatan Pande : I want to make it clear at this stage that the loans by Government or by the Banks or by co-operative societies should not be eliminated. They should also be included in the same manner as loans by other bodies are included. Just as other people who advance money will have their rates of interest reduced so should the Government, the Banks and the co-operative societies should share the same reduction. I, therefore, lay great emphasis on this point and desire this House to convey to the Government our request that this proviso should be deleted and I remind those honourable members who will serve on the select committees that they must make it a point to see that this particular proviso is deleted from the Bill. The condition of the landed magnates and proprietors is not hidden from anybody in the country.

The honourable members serving on the three interwoven select committees must bear in mind that they are not misled or led away by any other consideration while considering the various means of amelioration provided in these Bills and finally making recommendations for bettering the condition of the people.

Captain Nawab Muhammad Jamshed Ali Khan : Sir, I am very thankful to the Hon'ble the Finance Member for his sympathetic speech and I hope that his sweet and nice words will take practical

shape. In these hard days for the zamindars lip sympathy also is very rare. We are reduced to this condition—

حال تک پوچھنے والا نہیں ملتا کوئی * ہم جنازہ لیٹے بیٹھے ہیں تمناؤں کا

Hal tak punchnewala nahin milta koi.

Ham janaza liye baithe hain tamannaon ka.

Sir, no legislation has so impatiently been awaited as the present one. Resolution after resolution was moved and question after question was put asking for these Bills to be brought forward as soon as possible. I am glad that the Hon'ble the Finance Member has responded to the call of the general public and has brought these Bills before us, and I offer my sincerest thanks for that. Sir, it is a question which the future alone can decide as to how far these Bills will prove beneficial to those for whom they are being enacted. But at present we find that since the creditors have learnt that such sort of legislation is under contemplation they have tightened their grip and innumerable decrees were executed till the Government stepped in. I am not prepared to say that these Bills will give no relief to the agricultural classes; but at the same time I am of definite opinion that they will not provide as much relief as is needed. At this stage I will not go into the minute details of the Bill; I will only take the salient features. I am surprised to find that the Bill has made a distinction between big and small zamindars, which is highly objectionable. Up to this time we have been urging, and rightly too, that even the interests of the zamindars and tenants are identical. This distinction between big and small zamindars is simply meaningless. A zamindar, howsoever big he may be, if he is in debt, is as much in need of relief as a small zamindar. I am emphatically of opinion that there should be no distinction between a big and a small zamindar and this line of demarcation should be removed altogether.

My second point is that in clause 11 of the Bill it has been provided that the ex-proprietary and occupancy tenancies will also be liable to be mortgaged. Here I will not discuss the question from the zamindar's point of view. I will not emphasize that it is a clear encroachment on the rights of zamindars. But it is our every-day experience that the zamindars and tenants lose their property when they are heavily indebted, and it is the ex-proprietary and occupancy rights upon which they have to fall back as their last resort. If, therefore, clause 11 is allowed to remain in the Bill it would mean that you are taking away from the zamindars and the tenants their last support. Consequently this section doesn't give any relief to those for whom it is meant. I hope that clause 11 will be ultimately deleted from the Bill.

Next, I wish to submit that the rate of interest as given in clause 4 is very excessive, and having regard to the pitiable condition of the agriculturists, I am emphatically of opinion that it should be reduced to a reasonable limit. I do not want to give the exact figure to which

Captain Nawab Muhammad Jamshed Ali Khan]

it should be reduced, because the question is to be discussed thoroughly in the select committee.

I am rather surprised to find that only loans contracted after 1917 have been taken into consideration in the matter of relief. This means that Government do not propose to give any relief in respect of loans which are ancestral and for which we of course could not possibly be held so much responsible. To my mind the limit of 1917 should be removed, and relief should be given even in respect of ancestral loans.

Lastly, I beg to submit that we had been waiting impatiently for the Land Alienation Bill, but this has not come up so far. As a matter of fact, that alone was the remedy for our sufferings. I hope that the Hon'ble the Finance Member will bring up that wholesome measure as soon as possible. With these few words I resume my seat.

Khan Bahadur Maulvi Fasih-ud-din : Before I commence my speech I should like to offer my thanks and the thanks of those of my honourable friends who agree with me in this particular respect to Mr. Blunt for the great and unbounded sympathy which he has shown to the agriculturists of these provinces.

Rai Bahadur Babu Vikramajit Singh : I suppose the honourable member would prefer to continue after lunch.

The Council was then adjourned for lunch at one o'clock.

After recess the House re-assembled at 2 p.m. with the Hon'ble the President in the Chair.

Khan Bahadur Maulvi Fasih-ud-din : Sir, I was going to say that all of us are thankful to the Hon'ble Mr. Blunt for having shown great sympathy in the cause of the agriculturists. He has not only shown that sympathy by words but by his action, and I can say without any fear of contradiction that had it not been for him we would not have seen this Bill on the table of this House. Sir, I do not wish to deal with the various clauses of the Bill, because I happen to be a member of the select committee, but I only indicate, with your permission, Sir, the general lines on which this Bill has been framed, and I would briefly narrate a few facts which have led to the introduction of the Bill in this particular form. I venture to do so in view of the fact that the Hon'ble the Finance Member has very kindly said that he would accommodate the members in connexion with this important Bill which is unique in its nature and has taken so much labour and pains which no other Bill within his knowledge has taken. It goes without saying that the question of mass indebtedness is one of the most important questions of the day and on its satisfactory solution depends the future welfare of the millions of the people of this country. The various famines which have been visiting India from time to time have undoubtedly left a permanent impression on the economic condition of the agriculturists and have crippled their staying power to a very great extent, in fact so much so that even the great and memorable boom in the market after the

great war and the abnormal rise in the price of wheat from Rs.2-8 per maund to Rs.6-8 per maund did not enable these millions who are engaged in cultivation to extricate themselves from the mire of indebtedness. In fact the reports of the Banking Committee—I mean the report of the All-India Banking Committee—and the provincial reports of the various provinces very clearly indicate the fact that the high prices then prevailing, i.e. in 1925-26, did not help the cultivators of these provinces in particular and of the whole of India in general to enable them to loosen the rope of indebtedness which was tied around their neck. These reports gave astounding figures of the high incidences of debt per head of population and per cultivated acre. Again the subsequent report of the Royal Commission on Labour, popularly known as the Whitley Commission, undoubtedly constitutes a sad reading for all those who have got a soft corner in their hearts for the sufferings of their countrymen and for the woes and miseries of mankind.

That report shows that there is a halter of perpetual slavery on the necks of nearly all the labourers of India and it gives facts and figures which are really worth reading and studying. These facts very clearly show that the abnormal rise in prices did not help the agriculturist at all by lightening the burden of his indebtedness in which he was involved. Then came the great historical slump in prices which reverted to the old cheap prices of the first quinquennium of this century. This slump came to all the agriculturists as a sort of thunderbolt. It upset the economic conditions and it practically stunted and paralysed every business, even trade. The result of all this was that the Government could not sit with folded hands and thought of making an inquiry into the condition of the indebtedness of the people of this country. After about 18 months from the beginning of this slump, the Government appointed a committee of some of its most experienced officers, on which, as Mr. Blunt has just said, there were civilian officers of the Government, Messrs. Waugh and Wajahat Husain and one or two others. The report which that committee brought out is now a public property. It is a report worth perusing. It says that a majority of the tenants were in perpetual slavery of the creditors, and it has also brought out the most startling fact that 40 per cent. of the cultivators were in such heavy debt that they were merely the slaves of those who lent them money, and another 20 per cent. were also in debt, and only 40 per cent. of the agriculturists were not in debt. Those figures are startling enough and I think this report alone should have led the Government to bring up a Bill of this kind immediately. But the Government hesitated in this matter as it has been accustomed not to proceed very rapidly when the interest of the capitalists is likely to suffer. It thought that it could not go with post-haste speed in a matter of this kind. Therefore, in pursuance of a resolution, as stated by the Hon'ble the Finance Member, which was unanimously passed by the Council, the Government appointed a very big and influential committee to go through the

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whole question of indebtedness in these provinces. I called this committee influential because it consisted of as many as 17 members of this honourable House and about a dozen representatives of the banking classes and Professors of Economics of the Universities. It also consisted of about half a dozen Government officials, the Registrar of the Co-operative Societies, the Settlement Commissioners, as well as Messrs. Wajahat Husain and Waugh, the Revenue Secretary and many others. This committee went into three sub-committees for making suggestions about the amendment of the Usurious Loans Act and about the passing of other Acts in order to afford relief to the agriculturists of these provinces as well as to suggest executive measures which were to be adopted by the Government in connexion with this matter. Those sub-committees met separately and after long discussions they produced their reports, which were put up before the general committee. That general committee again went through those reports and as stated by the Hon'ble the Finance Member, there was a long discussion and a protracted debate in connexion with every point that was raised in the reports of the sub-committees. At last the central committee came to a definite conclusion about the legislation which ought to be adopted by the Government; and that committee not only came to those conclusions, but that committee also drafted the tentative provisions of various Bills for the information of the Government. This was in June of last year—that is about full one year ago. That report was published in the Government gazette of September of last year, and it was also brought out in the form of a very thick book in which all the discussions and the questions and cross-questions and the evidences were noted. A study of that book will show that it contains some very useful and important information. Anyhow, we thought that the Government would expedite the matter and not make any further delay in connexion with this business, but the Government appointed some expert officers to go through all the proceedings of the committee and to advise the Government on that subject. I remember that my friend Rai Bahadur Thakur Hanuman Singh, a very enthusiastic and active member of the Nationalist Party, brought a resolution twice impressing on the Government the necessity of bringing up the legislation at once. On the first occasion, it was stated that the Government was awaiting the report of the committee of experts, which was going through the whole matter. It was also hinted at that time by one of the officials of the Government that although the Government was prepared to help the agriculturist, it was not prepared to shake the agricultural credit. However, we waited and waited and at last we find that now after 18 months we are fortunate enough in having these Bills before us, for which we are prepared to offer our most genuine and unstinted thanks to the Hon'ble the Finance Member. But I cannot help remarking that during this long period which lapsed since the formation of the committee, many of the zamindars and tenants have been practically ruined, for the simple reason that the bankers, on finding that

a new legislation was coming which would be in the interests of the borrowers, brought innumerable suits in the courts and secured decrees and had the properties sold up. They are still very brisk and active in flooding the civil courts with suits for the recovery of debts. Thus there was a commotion throughout the whole of these provinces from one end to the other on account of this fact. When the Government saw that there was real dissatisfaction among the people on account of the delay that was being made in connexion with this legislation, it passed an order to the effect that if the price offered for the sale of landed property was less than 20 times the amount of net profit, then the property could not be sold. The Government forgot that the profit of the zamindars from the landed property had been reduced by half on account of large remissions in rents and small remissions in revenue, and the result was that most of those properties which were put up for sale were sold at a very cheap price. Anyhow, we ought to thank our stars that the goal that we had in view for the last 2½ years is now in sight, and we are now to launch on another career of prosperity and contentment. Sir, I need not discuss these Bills in detail, because I hope to be a member of the select committee, but I should certainly indicate a few general lines on which these Bills should have been prepared. To begin with, I am sorry to say that the legal experts of the Government have not thought it fit to adhere to the rates of interest which were proposed almost unanimously by the Committee on Agricultural Indebtedness, specially in view of the fact that that committee consisted not only of the zamindar members of this Council but of the accredited representatives of the money-lenders also, and the rates of interest which have been given in these Bills are decidedly much higher than the rates which had been suggested by the Committee of Agricultural Indebtedness. That is one point which has struck many of us who have compared the rates given by that committee and the rates which are entered in these Bills.

The other most important and significant omission in these Bills is that the Agricultural Committee had recommended in unmistakable words the adoption of the rule of *dand-uphat*.

The Hon'ble the President : As a member of the select committee, will it not be better if the honourable member does not commit himself too deeply ?

Khan Bahadur Maulvi Fasih-ud-din : I am mentioning the omissions in these Bills. I am not criticizing them. I am only suggesting omissions as compared with the recommendations of the Agricultural Committee. That rule was put in after a long discussion and agreed to by a banker like Mr. Madhusudan Das of Hapur. It was agreed upon by all the Professors of Economics of the various Universities, and it is unfortunately absent from these Bills. The result of the absence of this rule is that the old state of things will continue. The original amount of loan has been trebled nay quadrupled, and even made ten times in connexion with many decrees.

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I can quote hundreds of recent examples to show that when a person has taken a loan of Rs.1,000, the decree passed against him is to the extent of Rs.30,000 or even Rs.40,000. And there is no safeguard against decrees for such exorbitant amounts. A certain friend of mine who met me only yesterday and who is a very big landlord of Bara Banki where I happened to be in my official capacity for about seven years gave me full information about his own case and that information, was verified from the documents that he had in his possession. His father had borrowed five lakhs of rupees and the decree against him was to the extent of fourteen lakhs, and this in spite of the fact that he had paid about four lakhs of rupees in the meantime. After that decree of fourteen lakhs he had to pay five lakhs of rupees and still nine lakhs are outstanding against him. This and other similar cases show that the situation is very serious and unless it is tackled with a strong hand and boldly, these Bills will be of no avail. I hope that this point will be kept in view by all of us who are members of the select committee.

Mr. C. Y. Chintamani : Along with other members who have taken part in this discussion I must express my sense of indebtedness to you, Sir, for the procedure that has been followed and for the permission that has been given for the motions relating to the three connected Bills being made together, the discussion to be one and the same of all the three. If this had not been done, I am sure I would have felt myself greatly embarrassed as to what matter to include and what not to say on one particular measure or another. I, however, feel that there is a certain amount of inconvenience caused by the subject-matter of the three Bills being dealt with in three separate Bills and not in one single measure. Having gone through the texts of all the three measures I am still not certain in my mind whether it is too late for the Hon'ble the Finance Member to consider if all of them could not be brought into one single Bill for the convenience not only of this House but of the public who would be affected by these measures.

Having said this, it is my first duty and the most pleasing duty to join my honourable colleagues who have already spoken in offering my hearty felicitations to the Hon'ble the Finance Member for the introduction of these measures. I remember the warm-heartedness with which I welcomed his announcement in December 1931, that a committee would be set up to consider this problem of agricultural indebtedness. I have followed the discussions with keen interest and I welcome the measures which have been introduced as being measures rightly conceived and introduced not a moment too soon. In this particular matter the function of the Opposition in the Council ends with the expression of hearty appreciation of the action of the Government in bringing forward these measures. I hope I shall not be understood to mean that in making this statement I commit myself to any particular clause or provision of any of the Bills or to the opinion that the measures are all that could be wished and that there is nothing left still to be done. That is not my point. If the economic depression that has overtaken

this country along with the rest of the world results in legislation which will be of permanent benefit to all the classes interested in agricultural operations, that would be the soul of goodness in things evil for even in the absence of economic depression there was great need for special remedial legislation to deal with the questions of which these Bills treat. And I doubt if the necessity of such legislation would have been recognized in the absence of the crisis which produced these Bills. It is a fortunate circumstance that at this juncture the Member in charge of Revenue should be my honourable friend opposite. During the past several years everyone who has come in contact with him and those in particular who have to do with him more intimately, would not have failed to realize not only the special competence of the honourable member to deal with a matter as difficult and as complicated as the subject-matter of these Bills but also that he takes a keen interest in the well-being of the people at large. Here I have in my hand the report of the United Provinces Provincial Banking Inquiry Committee. The Finance Member was the chairman of that committee. As I was reading through the pages of this report I could not help feeling impressed by the work of unsurpassable value which the committee did in bringing together in this small compass such vast information and in putting forward suggestions of great value. The same Hon'ble Member presided over the committees which were charged with the investigation of the subject of agricultural indebtedness and he again is in charge of the Bills. This circumstance is of great advantage to the public and I am glad to feel that whatever might be the imperfections of these measures, they will be considered with an impartial mind by the select committee under the chairmanship of the Finance Member. He has given us the assurance that he has an open mind. There is a famous definition of open mind that it is another name for an empty mind. Such definitions do not prove to be wholly correct in all circumstances. The Hon'ble member has stated with complete sincerity that he will approach the consideration of the whole subject and he will proceed with the consideration of all criticisms with an open mind meaning an impartial mind, a mind only charged with the material which will come to him and which will prove of assistance, and that he will weigh the value of the suggestions which will be placed before him. I accept the assurance in the spirit in which it has been given. I have no doubt that the interests affected, the agriculturists on one side and the moneylenders on the other, will take full advantage of the impartial mind of the Hon'ble Member in charge of the Bills and will give to the select committee the benefit of their opinions from their respective points of view and will furnish information in regard to alterations of provisions or additions to provisions which are found to be necessary or beneficial.

It may be said that these Bills are very good so far as they go, but they are still incomplete. In considering the value of these measures I have been struck very much by two omissions and I shall not be surprised in case these omissions are left unsupplied, if the measures prove in the long run to be less beneficial than is the

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intention of the Government. First of all the question has to be put, what arrangements are contemplated or proposed for the supply of plenty of credit to the agriculturists, landlords as well as tenants, if their credit is restricted as a result of these measures? That their credit will be restricted I do not think anyone can seriously deny. There is no reason why those who are moneylenders by profession should give the same facilities to agriculturists who need accommodation when their powers to recover their money are circumscribed in the manner in which these Bills propose to do. A suggestion was made that land mortgage banks should be established in order to supply that deficiency. I do not find any serious proposals from the Government side in that behalf. It might be said that such a proposal could not well be made a part of any of these three Bills. I will not dispute that, but if along with these measures something had been done or the intention to do something has been announced, i.e. the extent to which the facility to obtain credit which would be restricted by these Bills would still be there in the form of land mortgage banks or any other constructive proposal which the Government might have in mind, the effect on the agriculturists' mind would be more reassuring than it could be today. I think that in the absence of special facilities in that behalf this legislation will not fulfil its purpose and will not achieve any considerable measure of success, which it is expected that it should do, and I hope that the Government without avoidable loss of time will take it into their head very seriously to prepare and to propose constructive measures in that behalf as I have suggested.

The next omission that strikes one, which has struck me forcibly, is that the Government of the United Provinces through these Bills wish to benefit agriculturists by curtailing the opportunities of moneylenders. Well and good. But what risk is Government itself taking in any of these measures? I read many years ago with boundless admiration and I have re-read it in connexion with these measures one of the greatest speeches Mr. Gokhale made in all his life—his budget speech in the Indian Legislative Council in 1906. In that speech Mr. Gokhale treated of the subject of agricultural indebtedness very comprehensively and with his unequalled ability. He there pointed that whatever measures might be taken, they would fail unless the agriculturist was enabled to start with a clean slate. How is this to be done? Falling back upon the examples and precedents of other countries and with his own unsurpassed capacity of constructive thinking Mr. Gokhale made the proposal to Government that after ascertaining the volume of indebtedness, amounts which should be debited to the agriculturist as having to be paid and the portion which should be written off as representing an unconscionable bargain, the Government should step forward to borrow an adequate sum of money and repay this debt. He explained his suggestion in this way. After the tribunal has been set up—not one tribunal but a number of tribunals in different parts of the province—and after it has been investigated and settled what exactly was the aggregate amount of agricultural indebtedness in a particular province, the Government

should borrow an adequate sum of money and lend it to the agriculturists in order to pay off the moneylenders. His illustration was this. The Government can borrow two or three millions, or whatever the amount might be, say, at $3\frac{1}{2}$ per cent. The Government would add to it one per cent. for the purpose of realizing the capital. Actuarial calculations would be made to settle the amount of equated annual payments, the total period for the wiping out of the entire amount being 50 years. The amount of this equated annual payment would be added to the revenue and rent payable by the tenant or the landlord as the case might be. The risk that the Government would run would be insignificant because these moneys would be recovered as if they were arrears of land revenue or rent under the Revenue and Rent Acts, and without the necessity of protracted litigation in civil courts. In fifty years' time the Government would repay itself the principal as well as the interest. Meanwhile the landlord as well as the tenant would have the inestimable advantage of feeling that he is no longer weighted down by debt, that he can start with a clean slate and he can make the most of the opportunities offered by the Government to get on solvently and carry on his business with profit; while for the supply of credit in the future the Government would see that either agricultural banks on the model of those which were established in Egypt by Lord Cromer and followed by the Government of Mysore, or land mortgage banks or any other such measure would be adopted. It may be said by the Government that they have cooperative societies which fulfil that function. But the Government know as well as we do that the cooperative societies, highly beneficial as they have been, successful as they have been up to a certain point, had hardly been able to touch even the fringe of this vast subject of agricultural indebtedness. There are various circumstances known to us after a quarter of a century's experience, which were explained by Mr. Gokhale himself both when the Cooperative Societies Bill was before the Indian Legislative Council in 1904 and also in his comprehensive treatment of the problem of agricultural indebtedness two years later, which rendered it impossible for co-operative societies in any province of British India to make any impression upon this problem of indebtedness in its vast magnitude. Cooperative societies have not succeeded even in a serious attempt to solve this problem and if the past and the present be a guide to the future they need not be expected to succeed. I invite the Hon'ble the Finance Member to write his name in the history of these provinces by seriously taking in hand, once these Bills are out of the way, this great problem and render such benefit to the agricultural classes of the United Provinces that his name and his tenure of the office of Finance Member cannot be forgotten by generations yet unborn. I do not say this merely by way of compliment to him. I say it because of the importance of subject. The United Provinces are nothing if not a province of agriculturists. The bulk of the people here carry on agricultural operations and are dependent upon the success of those

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operations, whether one is a landlord or a tenant or an agricultural labourer or anything else under the various names with which students of the problem of the land are familiar. The solvency and the prosperity of agriculture and the agricultural classes mean the solvency and the prosperity of the entire province. If the agricultural classes are not solvent and flourishing, any other classes may be solvent and flourishing and yet the province will never be able to say that it is getting on. If on the other hand the agricultural classes are well-to-do and are getting on well, then even a temporary distress among other classes will not materially affect the prosperity of the province as a whole. And therefore I invite the Hon'ble the Finance Member to place himself at the service of the province in order to achieve a permanent solution of by far the greatest problem by which the Government and the people of this province are confronted. I invite him to apply his master mind to it, and success in it will certainly make him the greatest benefactor of the people.

Coming now to the Bills, the public impression on studying these Bills cannot but be one, namely that they are aimed at the money-lending classes for the benefit of the agriculturists. I do not mind that. If the moneylending classes have been guilty or are believed to be guilty of unfair practices at the expense of the agriculturists, taking advantage of the necessitous condition and the ignorance of the bulk of these classes, they certainly must be dealt with and no superfluous sympathy need be wasted upon those who are guilty of such practices. To that extent I think it will be common ground to all of us. But the question next arises, if you deal with the moneylending classes in such a manner as to make them shy of dealing with the agriculturists, on account of this restrictive legislation of yours, then what is to become of the agriculturists? In this Provincial Banking Inquiry Report it has been very clearly stated that agriculture cannot be carried on without cheap credit. In the first place agriculture differs from other industries in the circumstances in which it has to be carried on. I cannot do better than to quote the description of agriculture given in the Provincial Banking Inquiry Report. It says "agriculture is a game of chance between man and nature". I do not think anyone can improve upon this definition—"agriculture is a game of chance between man and nature". "Nature's dice are always loaded. Man can only win if nature permits." Then, if it is contended that agriculturists who without realizing the limit of their capacity go on borrowing merely because credit is available they cannot be helped beyond a certain point, that would be a superficial, incorrect and unfair observation without serious qualification. Here again I do not rely upon my authority but I quote in my support from the report of this committee. In paragraph 147 of the report which is headed "The inevitability of agricultural debt" it is stated: "In popular opinion agricultural debt is often regarded as something to be deplored or even reprobated. Yet, in no country in the world, can agriculture entirely dispense with credit or entirely avoid debt." Later in the same paragraph

it is stated : "Agricultural debt therefore is no more deplorable than any other kind of productive debt. On the contrary, except in the most favoured circumstances it is everywhere and always inevitable and the Indian farmer can no more avoid incurring it than can any other farmer in any other country. The measure of agricultural credit is the amount which one man can induce one other man to lend." In paragraph 187 the committee make this recognition in favour of the agriculturist who borrows and the agriculturist who is free from debt. It says : "Freedom from debt may be due not to a sufficiency of income but to an insufficiency of credit." I think the truth could not be expressed better—"insufficiency of credit." Now when the proposal embodied in these Bills become the law of the province, will there be more or less insufficiency of credit? There will not be more of cash because these Bills do nothing to provide the agriculturist with more cash. And failing that will they or will they not result in a greater insufficiency of credit than at the present moment?

With all the restrictions on moneylenders which are embodied in these Bills how will the agriculturist be able to borrow when he must the amount which he needs? Will it be said that these debts are in a large part avoidable debts for extravagant expenditure on domestic ceremonies? That is not so. A certain portion of the debt is undoubtedly due to domestic ceremonies. The committee analysed the position with reference to each particular class of agriculturist, caste by caste, and came to the conclusion that with regard to only a very small proportion of the agriculturists can the criticism be uttered in reason that they could have avoided the debt or a portion of their debt but did not do so. With regard to the large majority of the agriculturists the committee after full investigation had the fairness and the candour to recognize and to avow that the debt was due for purposes of agricultural operations and could not be avoided. The same conclusion was reached in other provinces also. Mr. Thorborn, a very distinguished revenue officer of the Punjab, made a minute investigation into agricultural indebtedness in parts of that province and as a result of the investigation embodied in his book it appeared that far more than one-half, perhaps about three-fourths, of the agriculturists who were in debt were in that position not because of their reckless expenditure on social ceremonies but because of their daily necessities. In the Presidency of Bombay a similar investigation was made by a very competent officer and he placed on record as the conclusion of that investigation, that nearly 95 per cent. of the land revenue of the Government of Bombay was paid year after year by the moneylender. He pointed out that in the anxiety to suppress the moneylender the Government should recognize that there were no means by which the agriculturist could pay the revenue if there was no moneylender from whom to borrow at the time fixed by the Land Revenue Code of that presidency. The Government of these provinces would also be able to realize that the rent due

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from the tenant to the landlord and the revenue payable by the landlord to themselves would not be realizable without much difficulty if either the tenant or the landlord could not get accommodation in those seasons when he had to pay the bulk of his rent or revenue. I have come to the conclusion that merely to seek to put down the moneylender or so far to discourage him as to prevent him from accommodating the agricultural classes whenever they require money would be for the Government almost to kill the goose that lays the golden eggs. The moneylender should be kept within limits. The moneylender should be compelled to be honest, to be fair and not to take advantage of the condition of the agriculturist. Here we all agree. We also agree that for that purpose special legislation is required. But we do contend—by saying we I do not mean moneylenders or anybody else—that both sides of the problem should be looked at and Government should see to it that to the extent that this is required, to that extent some means should be devised by which the place of the moneylender will be adequately filled by other agency.

These Bills professedly do not deal with that subject. I do not complain. But if the Government will not grapple with that subject at a very early date and achieve solutions which will produce the intended result then, supporter as I am of these measures, I can feel that no option is left to me but to say that the Government have merely dealt with the outer fringe of the subject and have left the real evil as it is without devising ways and means of getting rid of it. I have compared the contents of these three Bills with the most important comparable legislation in other provinces—the Deccan Agriculturists' Relief Acts. There were riots in the Deccan on account of agricultural distress. There was a commission of enquiry called the Deccan Agricultural Riots Enquiry Commission. I believe it was presided over by Sir Theodore Hope—probably it was he—a very competent officer. The result of this investigation was that virtually the ryots who rioted could not be blamed; they had been reduced to such circumstances of impoverishment—almost impossibility of living—that they took the law into their hands and tried to get what they wanted. It was on the recommendation of that Commission that the Deccan Agriculturists' Relief Act was passed in 1879. As they went on gathering experience they went on amending and amending the Act and this process lasted no less than 23 years and the last of the Deccan Agriculturists' Relief Acts was passed, I believe, in 1902. There are some provisions in these Acts which do not find a place, even in a modified form, in any of the Bills now before the House. These Acts provided for the appointment of conciliators; they provided for the appointment of special judges to supervise the acts of the subordinate judiciary including honorary judicial officers like village munsifs in order that in the name of special proceedings under these Acts no substantial injustice might be done; they provided where legal practitioners should be permitted and where they should not be permitted; they provided for legal assistance to parties who were

not in a position to secure such assistance. When one party could engage counsel and the other could not, they laid the obligation on the Government of finding legal assistance for that party. There are other provisions in these Acts which, I think, deserve to be carefully studied by the members of the select committee on these three Bills to see to what extent any of these provisions, with such modifications as our circumstances might suggest, could with advantage be incorporated in the Bills now before the House.

Various criticisms of the present Bills have been uttered ever since their publication. Some of the criticisms are extremely able and intelligent, and whether they are adverse or favourable, deserve and require to be seriously considered by the honourable member in charge of the Bill as well as by other members whom the Council will elect to go to the select committee. I invite particular attention to the extremely important criticism uttered by the veteran public man of these provinces who was very well known in earlier Councils—I refer to my distinguished and esteemed friend Babu Brijnandan Prasad of Moradabad. By the time the select committee will investigate I daresay more of such criticism will be forthcoming to supplement the huge volume which the Hon'ble the Finance Member has threatened to place before the members of the committee. The propositions that I would particularly wish to be considered are: To what extent the provisions of the Bills need modification in order that moneylenders may not think that wanton injustice has been done to them and may continue to be willing to accommodate agriculturists wherever necessary? Secondly, are the limits of Rs.5,000 in one case and Rs.200 in another case imposed in these Bills necessary; and if they are necessary, are they the correct limits or should they be modified? And, thirdly, how is this whole legislation to be carried through without creating a new evil of the difficulty of agriculturists obtaining credit at the same time as some good is being done.

It is reassuring that the Hon'ble the Finance Member will approach the consideration of every aspect of the problem with an impartial and a very competent mind. It is still more reassuring that the large select committee for the election of which he has moved will take this duty seriously, study the difficult subject with such thoroughness as is possible in the circumstances, bring to bear upon the consideration of the subject a many-sided view of the problem and also think not only of today but of the future so that, whether the economic crisis through which we are passing takes long to subside or will soon subside, the permanent problem by which the agricultural classes are confronted may be brought nearer solution for the benefit of one and all. Once more, Mr. President, I congratulate my honourable friend upon the signal, the unprecedented opportunity that has come to him among all those who have occupied the position of Finance Member of doing lasting good to the United Provinces, and with the best will in the world I wish more strength to his elbow, and I wish him

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unqualified and complete success in winning the gratitude of the most numerous and the most needy and at the same time the most important section of the people of these provinces as their great benefactor.

Rai Bahadur Babu Jagadeva Roy : The discussions that have proceeded so far on the motion before the House have thrown a flood of light upon the whole subject and ought to prove a valuable guide for the members of the select committee. It appears to me that these Bills have been drafted on some definite basis. Bearing this in mind, I should like to divide the three measures under different heads. The first is, whether the agriculturists have been defined as occupying the greater proportion of the population or as a minority community among the agriculturists. The word "agriculturist" has been defined in the Bill as one who pays land revenue or rent to the extent of Rs.200. If the number of such agriculturists comes to more than a half, then we can safely assume that the present Bill would do some good to the agricultural population, but if it comes to one-fourth or even less, then I am afraid that this measure cannot be said to be beneficial to the agriculturists in general. Consequently, it is an important point for the select committee to consider whether the definition of the word "agriculturist" should be allowed to remain as it is in the Bill. If, on the other hand, it is found that the definition does not cover the bulk of the agriculturists, then it should be amended so as to include a large body of them.

Sir, that definition, even if it be extended so far as the limit of paying revenue or rent is concerned, is very defective, and I would point out at once that that definition says that if an agriculturist happens to pay an income-tax he cannot be brought under the definition of an agriculturist on that account. I would say that no importance has been attached to that definition from various points of view. There may be a holding owned by three persons, the revenue of which is Rs.200. If one of those three happens to be an income-tax payer, what will be the fate of that person? How will the definition be applied in that case? Those three might be living separately but might be owning the holding jointly. My point therefore is that the definition of "Agriculturist" given in the proposed Bill is very much defective and that it should be modified from the various points of view that could possibly be conceived of.

Then proceeding further, we come to transfers of occupancy and statutory holdings. I say, Sir, that even the solution of this aspect of the case was very easy. We have got experience of the past that there are holdings, for instance occupancy ex-proprietary, statutory—which are not transferable since 1901. This will be very helpful to us, if we take into consideration occupancy, ex-proprietary and statutory tenancies for the last ten years and see whether these tenants have been enjoying better life than what they used to enjoy before 1901 when their rights were transferable. A comparison of this will enable us to find out whether it is the right of transfer which puts the agriculturist class in distress or whether it is something else on account of which the agriculturist class has to suffer. From this point of

view my submission is that if we find that it was on account of the fact that those holdings were made non-transferable that the tenants enjoyed agricultural life better, then in that case we should consider whether or not it is desirable and necessary to make certain other classes of tenancies non-transferable, for instance the fixed rate tenancies, to achieve the object which is aimed at in the present Bill. Therefore my point is that in this respect we are required to study another factor which will be this. According to the proposed Bill, so far as I could make out, only usufructuary mortgages and simple mortgages are covered. These proposals do not cover the case of a sale. Sale is permissible, so far as fixed rate tenants and proprietary rights are concerned. I am afraid the object of the Bill may not be easily defeated by adopting the course of sale, because a borrower may not be able to overcome his necessity and thus be led by the creditor to enter into a transaction of sale. If that is adopted, then I submit that the object of the Bill will be defeated to a very large extent. Therefore it should be considered by the members of the select committee whether or not it will be proper to have some sort of provision in the Bill according to which cases of sales may not take the place of mortgages and thus ruin even the present status of the agriculturist class. The third point is that it is true that the borrowing capacity has been narrowed down by the present Bill, but that has been done for the advantage of the agriculturist. Judging from past experience I would say that even this is a question which can easily be solved. We find that an agriculturist generally borrows money for three main purposes. The first is on ceremonial occasions, the second is on account of the increase in population and consequently increase in family expenses, and the third is litigation and payment of rent or revenue. So these are the three points which generally cover the cases of borrowing of an agriculturist. From this point of view my suggestions are that so far as the increase in population is concerned it is beyond one's control, but so far as the other two things are concerned, viz. expenses on ceremonials and on litigation, they can be curtailed to a great extent. My experience is that in cases of occupancy and exproprietary tenants we find that these expenses have been cut short to a very large extent, and this class of tenant has been really borrowing much less because of this legislation. Then we further find in the same Agriculturists Relief Bill that it has been intended that occupancy tenants and statutory tenants can make transfers but in favour of Co-operative Societies and Land Mortgage Banks. I fail to appreciate the force of this exception. To my mind the Co-operative Societies have not been doing any good in respect of having occupancy tenancies transferred in their favour. What is the rate of interest which is generally charged by the Co-operative Societies these days? It would be seen that the rate of interest generally charged by the Co-operative Societies is high and not less in comparison to the interest charged by other creditors. Such being the case my point is that there should be no exception in favour of the Co-operative Societies. So would be the

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case with the Land Mortgage Bank, because it would be a very difficult task to borrow money from the Land Mortgage Bank which cares more to stick to legal formalities with the result that many of the joint tenants cannot borrow money on account of having some minor co-tenants in the holding. Similar difficulties do occur. Therefore my point is that there should be absolutely no exception in the case of Land Mortgage Banks or in the case of Co-operative Societies. Then, Sir, proceeding further we have to consider the procedure proposed in that Bill. The procedure proposed in that Bill cannot be welcome either to the borrowing class or to the lending class, because the chapter dealing with the maintenance of accounts is one which is bound to be very unpopular and with no good consequences. What will be the use of compelling a creditor to submit half-yearly accounts in the case of every single transaction? An account can be settled in no time when that account has proceeded on the basis of a registered bond. Similarly, what will be the effect of that kind of submission in the long run? The parties themselves do not consider it to be binding even on the borrower. Besides, the present practice will also show that in villages, the keeping of an account on the lines proposed in the present Bill will be an exceptional thing. It will be, therefore, necessary from this point of view to see what percentage of borrowing there is from villages and what percentage of borrowing from towns and cities. From that point of view that chapter will have to be revised.

Then, Sir, further we find that a summary provision has been made for redemption cases. That is well and good. But, as it stands, it serves no useful purpose. The effect of this will be simply to drive the parties from one door to another at much cost. Therefore, it was right and even now it is not too late, for the members of the select committee to consider that the measures provided therein should be made as effective as possible. From that point of view, my suggestion will be that the present proposal may be allowed to be tried, but with certain modifications. For instance, applications for redemptions as proposed in the Bill may be made in the Court of the Collector or in the court of an assistant collector of at least ten years' standing, and the result of that should be that the application disposed of by that court should be made appealable to the court of the District Judge up to a certain amount only, so that finality may be given to that decision. If no finality is to be given to that decision, then it is useless to put in a procedure like that and to make the parties undergo the expenses of litigation in courts.

Sir, I further find that in some respects these Bills have been made retrospective. As to that much can be said on both sides, from the side of the creditor and from the side of the borrower. Standing as a member of the Council, I consider that it is not my duty only to serve the purpose of the agriculturists, but to look to the interests of the creditors as well. So from this point of view, I would say that so far as possible it should be seen and should be thoroughly considered that the measures be adopted in such a light as to be made

less retrospective in effect. So far as prospective effect is concerned, there will be no ground for murmuring even among the lending classes. They can enter or not as they like into transactions in future, having their eyes wide open to the passed legislation. So far as the past dealings are concerned, they should be looked into in another light. I would suggest that I am not of opinion that a proposal should come forward that even the principal amount should be lessened by a single pie. I must say that the principal amount advanced should be considered to be recoverable. I do not know of any country where there has been legislation to the effect that a creditor has not been given even his principal amount. So, from this point of view, my suggestion is that so far as the question of interest is concerned, that is the only question which should be considered, and in that respect it should be seen to what extent that interest can be reduced which can benefit agriculturists, but at the same time cannot give cause for injustice to the money-lending class. Then, Sir, so far as the recovery of the decrees recently passed or which may be passed on the basis of past transactions is concerned, I am of opinion that there should be a specific chapter in this proposed legislation dealing with executions of such decrees, and in this respect the proposals do not seem to be exhaustive. Remedies should be put in such a way as to be effective in the sense that the creditor may be able to get back his reasonable dues and at the same time the debtor may be in a position to pay it off in such a reasonable time that he may not be deprived of his livelihood. From this point of view I would say that the execution chapter has also to be revised.

Sir, as regards the period of 20 years, many of my friends are of opinion that the period will not be considered sufficient even by a borrower or a creditor. But it appears to me that that is a very reasonable period which should be adhered to, because during this period the amount borrowed will not be very large and thus the debtor will be less responsible, and because of the further fact that his next generation can avail themselves of that property. So, there are many other things which have to be considered in connexion with these three Bills, and they are really of much importance, and, therefore, my suggestion is that the members of the select committee would do well to study the subject exhaustively before they sit on the committee.

Rai Sahib Rai Rajeshwari Prasad : In view of the statement of the Hon'ble the Finance Member that almost everything that will come in his way and in the way of the select committee will receive his and the committee's best attention, and also in view of the long and elaborate speeches that have just been made, I have not very much to say. But I would like to make a few remarks with regard to the general aspects of the question now before the House, and also a few remarks with regard to certain details of the three Bills. The most general criticism that has been uttered in regard to the measures now laid before the House in order to give relief to indebted agriculturists is that the measures are decidedly beneficial to the debtor class and prejudicial to

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the creditor class. I suppose that there is something in this criticism, but looking at the causes which have led to the helpless condition of the agriculturists, I think that the position is inevitable. There is the economic depression which prevails at present throughout the world the causes and the remedies of which are baffling even up to the present time the greatest economists of the world. The results of that world depression in India and specially in our province which is an agricultural province were that the prices of agricultural produce went down tremendously. This meant that the main asset of the people had gone down in value. Supposing that the crop in a certain area was an average crop, they would not, out of the produce, achieve the same value in money which they would have done if prices had remained at the level of previous years. The obvious effect of this in the operations of borrowing and lending was that the pressure of the debt on the debtor class became unnecessarily and unduly heavy. When the economic efficiency of any class goes down in this way through forces which are not in the control of that class or as a matter of fact of any class of people, it is the duty of every government to come forward with measures of relief and I suppose no representative of the public should be afraid of casting his vote in favour of such measures. But, Sir, it must be recognized that the measures that are now before the House will limit the tendency of individual and private money-lenders to advance money for agricultural operations. And it is also a well-known fact that a portion, and in our province I should think, a very large portion of the capital for agricultural operations comes out of borrowing. It is necessary, therefore, that the Government should devise some means of supplying that capital. Individual and private enterprise under a legislation which we are now going to make is bound to diminish. It is the duty of the Government, therefore, to come forward to make good that deficiency. The only way in which the Government has so far supplied money for agricultural operations is the co-operative system. Sir, what the co-operative societies have been is too well-known amongst us. The non-official as well as the official criticism, I daresay, of these societies is that they have been competing with the money-lending classes without being of actual help to the agriculturists. I suppose that a great deal of the value of the measures that are now before the House will be lost if the co-operative system is not overhauled in such a way as to be of real use to the people for whom it is meant and at the same time as far as those people who at present are not benefited by the co-operative societies and who may not be able to join these societies are concerned, for them I submit that the Government must devise some other means of supplying agricultural credit. A vast portion of the debt which is called "agricultural debt," is confined to the small agriculturist or the tenant and I should think that quite a large portion of the debt at the same time which is not being borrowed for agricultural purposes is still borrowed on agricultural credit that is on the credit of land which is devoted to agricultural purposes. I submit, Sir, that it is necessary to devise means to liquidate this kind of debt

as well. It will not be possible for the landlords—for the indebted landlord—or for the bigger indebted tenants with this legislation that is now ahead, to find money to liquidate their debts from those persons who have so far been willing to advance money on the credit of zamindari property. Sir, the practical side of the question has been very well emphasised by the leader of the opposition and I can do no better than to bring home to the Government the necessity of giving practical shape to these measures, which are, so to speak, complementary and which are absolutely necessary, for making these Bills a success.

Coming to some of the details of the Bills it strikes me that the definition of the word 'agriculturist' as it stands in the Agriculturist Relief Bill is objectionable in the sense that it is not what it was decided to be in the Agricultural Debt Committee. I was a member of that committee and if I remember aright after a good deal of discussion we came to the conclusion that agriculturists should be defined not with reference to the amount of rent and revenue that they pay, but with reference to their occupation, that is those people whose main occupation is agriculture and whose income is mainly derived from agricultural operations should be classed as agriculturist. I admit, Sir, that the word 'mainly' is rather vague to interpret, but I think that we can make the position clear by saying that those people three-fourths of whose income at least comes out of agriculture, should be classed as agriculturists. That was the line on which we defined the word 'agriculturist' in the Agricultural Debt Committee, but I do not know, Sir, how a new definition has been added to the Bill. I submit, Sir, that the definition arrived at by the Agricultural Indebtedness Inquiry Committee should be adhered to. There is only one more striking point which has come to my notice and which I want to bring to the notice of the Council. It appears that banks and co-operative societies have been left out of the scope of these Bills. The only point that I want to make in this connexion is that in a measure of relief of this kind, these societies should not be left in a position of advantage over the individual money-lenders.

Munshi Gajadhar Prasad : They should be.

Rai Sahib Rai Rajeshwari Prasad : My honourable friend says that they should be. Perhaps he has not understood what I meant. I meant that the co-operative societies and banks are beyond the operations of these Bills. It is not my intention necessarily to press the Government for legislation on this point. Government should, if possible, compel these societies and banks to reduce the rates of interest that they charge by an executive order. But I do not know why at the stage of the drafting of the Bills banks and co-operative societies have been left out of the scope of this legislation. Sir, these are the main points that I wanted to bring to the notice of the select committee.

Munshi Gajadhar Prasad : I gladly join in the chorus of praise that has been sung in the honour of the Hon'ble the Finance Member for having introduced these three Bills in order to relieve agricultural

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indebtedness. At this stage, Sir, I do not propose to go into minute details and would confine myself to the discussion of these Bills on broad lines. First of all, I take the liberty of congratulating the Hon'ble the Finance Member particularly on the introduction of two Bills, viz., the United Provinces Reduction of Interest Bill and the Usurious Loans Bill. These Bills are full of manifold complications and thorny problems and it does not seem likely that there will be smooth sailing as some of us might suppose. The banking classes have an important stake in the country and no Government can afford to neglect them. Now, Sir, the banking classes have been very lucky so far, but it seems that the Government has now taken into its head to take away some of their privileges, and I apprehend that they will not be in such a happy position now as they were so far. It is an open secret that at one time if one called a person a "soodkhor" he was supposed to have used the strongest word of condemnation against him.

I may add that even the Civil Disobedience movement, which was meant to chastise erring humanity and to wipe off old traditions and beliefs left the money lenders altogether out of account. The poor zamindar had to account for his sins of omission and commission, but not a word was said against bankers. Again, Sir, under the British Government the banking classes have been much happier and they enjoyed privileges which could not be enjoyed under any other Government either in the Hindu period or the Islamic period. In the regime of the Muslims charging interest was supposed to be a kind of crime and the rules in the Hindu period were also so strict that no money lender was ever allowed to charge as much as ten or even five times the amount that he originally lent. I think the Hon'ble the Finance Member has really squared up courage to fight some of these traditions and precedents and proposes to accomplish what even the Government of India could not do so far. We all know the stringent provisions in the Indian Contract Act that when an offer matures into a contract, it is very difficult for a person to prove coercion or fraud in order to establish his case in a court of law and the tendency of British courts has so far been mostly in favour of banking classes. I may be pardoned, Sir, for reciting a story from my own personal experience. Several years ago I had the misfortune of appearing for a person—an agriculturist—who had borrowed from a banker. The courts below had decided in my client's favour. They held that the transaction was unconscionable, harsh and penal. When the matter came up to the High Court the learned Judge, who heard the case, remarked to the learned counsel who appeared for the appellant that the court had no sympathy with the appellant, whom they considered to be blackguard, bloodsucker and Shylock. I recollect to this day the reply that was given by the learned counsel who appeared in that case. He said that that may or may not be a fact, his client may or may not be entitled to any sympathy from the courts, but under the law and the interpretation put upon the law by judicial decision he was entitled to his pound of flesh. Eventually the court said that they were bound by the decisions of the courts and howsoever they

may sympathize with my client they could not afford him any relief, till the law was changed. Sir, I recollect also that when this unfortunate decision was communicated to my client, he died within a week of a broken heart. He could not redeem the only property that he had as he could not afford to pay the large amount of interest that was decreed by the Honourable Court.

I do not mean to say that the banking class as a rule has been very harsh and that they have not really afforded relief to the people who go to them to borrow money. But the banker should see that he does not suck the blood out of the person who borrows money and it is also necessary for the borrower to pay up the amount within the time stipulated. The banker in Hindi is called, as most of the members of this House know, a "mahajan." "Mahajan" means a great person. He advances money to a person when he stands badly in need of help, when probably there is marriage or illness in the family, and there is dearth of money elsewhere. Now coming to one or two provisions in the Bills, I shall be very brief in my observations. I submit the word "agriculturist" should not be confined to the small class of agriculturists. The word should be made sufficiently elastic so as to include the landlords as well as the tenants, and no barriers to be fixed. It is immaterial whether they pay revenue or rent of over Rs.5,000 or less or more. Because if relief is really intended to be afforded I think that the landlords stand equally in need of relief as the poor tenants. I would make my position clear. As is very well-known to people who have had occasion either to lend money or who have had the necessity of going through some of these cases in the legal profession, we all know that some of the people who take out money and pay really huge sums as interest are the people who belong to the land-owning classes. It is another matter whether they could curtail their expenses or whether they could live within a much smaller compass than they usually do, but the fact remains all the same that they are the people who as a matter of fact do execute bonds and promissory notes and even mortgage their property and sometimes put down a much higher figure than they actually borrow. And since most of the amount that they generally borrow may or may not be considered legal necessity from the standpoint of the poor agriculturist, all the same they are eager and hard pressed for money and they come more easily within the clutches of the banking class than the poor agriculturist. I know there is a dearth of education in our country and the poor agriculturist at times does not know the consequences that might follow from his putting his signature to a blank paper or putting his signature to a certain bond or even at times may not realize what the consequences of the words that may have been entered in the deed may be. But all the same never mind whether education has advanced or does advance, one cannot do without the banking class. I would like to sound here a note of warning and that would be that whatever form these Bills may eventually take when they emerge from the select committee I think it would not be possible to satisfy the money lending classes because the objects of these Bills, so far as I have been able

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to study them, is that the jurisdiction of the banker is likely to be affected and they are not likely to have such an easy time as they once had. Now, Sir, in view of this it is essential that the Government should afford better facilities of borrowing than it has hitherto done. As to what shape those facilities will take it is for the experts to decide in the select committee. They may possibly establish a small bank in the villages or some big bank in the cities might be opened or some shares might be floated, but that is a matter of detail. All the same if these Bills are to work properly it is necessary that Government should open banks and such banks as may give suitable relief. As has been pointed out by some of the people who know the conditions of the co-operative societies better than I do I find that these societies have not afforded the relief for which they were intended and are not likely to afford the adequate relief required. There is necessity of supplementing them by suitable banks. Now, Sir, the question was at one time mooted in the Minto-Morley Council and a lively discussion arose and during those days a certain member of the Council whose name might be very well-known to some of the people who have had occasion to study the subject, Khwaja Ghulam-us-Saqalain who has written a book on the question of interest. And from the figures which he had collected as also from the judicial decisions and other sources he established the fact that the money with interest accumulated in course of time to ten times and in some cases even to twenty times or more. Now, Sir, I myself had an occasion to collect some of these figures and decisions and to summarize them in another capacity. I regret that I have not these figures with me at present but there is no doubt that the trend of decisions so far has been more towards banking class, but now I am glad that these Bills will afford a real relief to the poor agriculturists.

Pandit Prem Ballabh Belwal : Sir, I rise to associate myself with what has been said by the preceding honourable members of this House and join the chorus of praises showered on the Hon'ble the Finance Member. As regards the Bills I am of opinion that these Bills will really have a very far-reaching effect as far as the agriculturists are concerned. I have to draw the particular attention of the Government in respect of one omission that has been made by them in drafting these Bills. I refer, Sir, to the case of Kumaun. The Kumaun point of view has been totally ignored. The conditions of the hills which are quite different from those of the plains have not been taken into consideration. Kumaun stands on a different footing and all the conditions there are quite different. In the hills there are no recorded rentals, and so I fail to understand how, according to the draft bills any one would be able to calculate the rents and how they will be made applicable on the basis of rents. My next point is that the rents are very low in the hills and the revenue for proprietary holdings is also very small. I can say that it ranges between 8 annas and Rs. 100 at the most. In exceptional cases it might go up to that amount, otherwise the rent is generally between 8 annas and Rs.5 or Rs.10. This is the limit for an average bissadar. So if section 7

of the Agriculturists Relief Bill be applied that will mean that only twice the amount could be borrowed by a non-occupancy tenant. This will simply be a ridiculous position for the man in the hills. Sir, as the Agra Tenancy Act is not applicable in the case of the hills no annual registers are kept there. The Government should come forward with a new bill making it compulsory that all the rents should be recorded. In that case these Bills can be made applicable to Kumaun so far as the calculation of the rental are concerned.

The next point which I wish to refer to is the question of the Government estates. Kumaun is divided into two portions—one part which is a hilly tract and the other the lowlying portion. The conditions in the lowlying portion are quite opposite to what they are in the hills. There we cannot cultivate our lands without advancing fairly big sums. The Agriculturists' Relief Bill will have a bad effect on the cultivation of the estates as the advances will be restricted to a large extent. This point has never been given any consideration at the time of drafting the Bills. It is very necessary that radical changes should be made in the Bills before they can be made applicable to these parts of the hills and Tarai. I, therefore, on the floor of the House, warn the Government that in the select committee special care will have to be taken in respect of Kumaun, because as I have pointed out, Kumaun stands on a different footing from the plains. Here the rates of interest are not so high, and the custom that is generally followed is not to take compound interest. So that point will also have to be considered. Again, Sir, we will have to raise the present limitations of the credit amount, if these are made applicable, by something like 50 or 100 times the rent annually paid by an agriculturist here. Otherwise it will lower down the financial or social status of the people here to a ridiculous extent. We do not want that our financial status should be made so low. There are certainly big people in the hills who have got sufficient money. At times we have to borrow large amounts of money. Therefore, these Bills should be so changed as not to lower the financial and social status of the people here. I have already referred to the case of the Government estates, and the practice that is followed there of advancing large sums of money has to be considered with special care.

I have also to make a complaint to the House. We have got features different from those in the plains and nobody other than a Kumauni can explain the conditions prevailing there, but the representation of Kumaun has been neglected in the select committee. I do not know whether this is due to oversight or whether this is a deliberate omission on the part of Government. I am rather sorry to find that all the Government officials and their lieutenants who enjoy their best health and wealth in these parts of the hills have been so neglectful of the interests of Kumaun. I hope, however, that Government will now appoint a member from the Kumaun Division on the select committee so that the interests of the agriculturists

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of this division may not suffer. With these few words I resume my seat.

Shah Nazar Husain : I move that the question be now put.

The Hon'ble the President : I find that there are some prominent members of the Council still left who wish to take part in the debate, and it would not be right for me to put the motion for closure at this stage. But if the debate is much prolonged, we might have to apply the closure tomorrow.

The Council was then adjourned at 4 p.m. till 5th July, 1933.

APPENDIX A

(See page 347, *supra*)

(Statement referred to in answer to starred Council question No. 5 for 4th July, 1933, asked by MRS. KAILASH SRIVASTAVA)

LADY VISITORS

(1) Mrs. Ahmad Shah	} Lucknow Prison.	Central
(2) Mrs. J. R. Chitamber	..	..
(3) Mrs. D. Crishna	} Allahabad Jail.	District
(4) Mrs. F. Simeon	..	..
(5) Mrs. P. N. Sapru	..	..
(6) Mrs. Shyam Lal Nehru	..	..
(7) Mrs. J. P. Srivastava	Cawnpore Jail.	District
(8) Mrs. Ghansham Das	} Benares Prison.	Central
(9) Dr. Thungama	..	..

NOTE—The list of lady visitors may not be up-to-date. Government made inquiries on this subject but have not yet received a reply.

LADY HONORARY MAGISTRATES

(1) Mrs. Probha Banerji	..	..	Allahabad.
(2) Mrs. Sanjiva Rao	..	..	Benares.
(3) Mrs. S. Ahmad Shah	..	..	Lucknow.
(4) Mrs. A. G. Thomas	..	..	Mainpuri.
(5) Mrs. Radha Piari Mathur	..	..	Etah.

APPENDIX B

(See page 349, *supra*)

Statement showing the names and qualifications of women nominated to district boards and municipal boards referred to in answer to starred question no. 6, for 4th July, 1933, asked by MRS. KAILASH SRIVASTAVA.

Name of Boards	Name of Members	Qualifications
DISTRICT BOARDS		
Mainpuri ..	Ram Pyari ..	School mistress.
Farrukhabad ..	Shrimati Bhagwati Devi, wife of Mr. Jai Narain Varma, Vakil and Official Receiver, Farrukhabad.	Well educated in Hindi.
Hamirpur ..	Musammat Saiyeda Begum, widow of Khan Bahadur Saiyid Mohammad Ismail, late Chairman of District Board.	Not known.
Jhansi ..	Shrimati Radha Bai ..	Not known.
Ghazipur ..	Miss M. E. Langdon, Principal and Manager, Methodist Boarding School, Ghazipur.	Educated but has no University degree.
Sultanpur ..	Rani Bhubaneshwari Raj Lakshmi of Kurwar.	Educated.
MUNICIPAL BOARDS		
Deoband ..	Mst. Sultan Jehan Begum ..	Knows Urdu and Mathematics.
Etah ..	Shrimati Tirbeni Kunwar, wife of B. Kamta Pd. Johari.	Read up to III or IV Class in a vernacular school.
Chandpur ..	Mst. Ruqaiya Begum, wife of M. Md. Husain.	She can read and write well.
Dhampur ..	Shrimati Lalta Devi ..	Passed the Vernacular Middle Examination in Hindi. Head Mistress of Girls' schools.
Nagina ..	Mst. Shehr Bano Begum, wife of Saiyid Abdul Rahman.	Can read and write Urdu.
Najibabad ..	Mst. Sultan Jahan Begum, wife of M. Wahid Husain Khan, B.A.	Can read and write vernacular.
Etawah ..	Mrs. F. B. Khan ..	Read up to Matriculation standard.
Jhansi ..	Mrs. H. Roberts ..	She is literate in English, Urdu and Hindi.
Lalitpur ..	Chaube Lilawati, wife of Chaube Parshotam Narain.	Studied Hindi up to the Middle standard.
Kunch ..	Shrimati Chiranji Devi, Vaish, daughter of Lala Dhani Ram, Vaish.	Possesses the qualifications of a primary education.
Ghazipur ..	Mrs. Bhagwati Prasad, wife of the Government Treasurer, Ghazipur.	Passed the Matriculation examination, also Hindi Middle and Normal Training examinations.
Sitapur ..	Mst. Jamal Ara Begum ..	Knows Urdu.

APPENDIX C

(See page 350, *supra*)

Copy of Inspector-General of Civil Hospitals' circular letter referred to in answer to starred question no. 12, for 4th July, 1933, asked by RAI SAHIB RAI RAJESHWARI PRASAD.

Circular no. 19, dated the 22nd April, 1933, from the Inspector General of Civil Hospitals, United Provinces, to all Civil Surgeons, in the United Provinces, Superintendents, Mental Hospitals, United Provinces, Principal, Medical School, Agra, Chemical Examiner to Government, United Provinces.

It has been noticed that the true spirit of Fundamental Rule 56(b) is often misinterpreted and ministerial officers on attaining the age of 55 years are recommended annually for retention in service for a specified period. The correct interpretation of the rule is that a ministerial officer should *ordinarily* be retained in service, if efficient up to the age of 60 years, and if there is anything extraordinary the case should be specially referred to this office for orders.

In view of the occurrence of the word "ordinarily" in Fundamental Rule 56(b) a ministerial Government servant can be retired from Government service between the ages of 55 and 60 years on grounds other than those of efficiency and in such a case he has no claim to be retained in service up to the age of 60 years, nor is he entitled to any compensation for loss of appointment. The purpose of Fundamental Rule 56 is not to confer upon Government servants any right to be retained in service up to a particular age, but to prescribe the age beyond which they may not be retained in service.

It is however not necessary to submit annually any recommendations for the grant of extensions in service to ministerial officers on attaining the age of 55 years, unless the official is physically inefficient to carry on the duties.

The Annual Superannuation Return in respect of ministerial officers should, however, be submitted to this office for information.

APPENDIX D

(See page 364, *supra*)

Statement showing the present position as regards remissions for the Rabi of 1340 F. in each district of the province referred to in short notice starred question no. 1 for 4th July, 1933, asked by RAI SAHIB RAI RAJESHWARI PRASAD.

*District**Remission*

PROVINCE OF AGRA

Dehra Dun	..	Sanctioned.
Saharanpur	..	Ditto.
Muzaffarnagar	..	Ditto.
Meerut	..	Ditto.
Bulandshahr	..	Ditto.
Aligarh	..	Ditto.
Muttra	..	Ditto.
Agra ..	..	Ditto.
Mainpuri	..	Collector reports that no relief is required in this district.
Etah ..	..	Collector reports that there has been no damage to crops in his district and consequently no relief is necessary.
Bareilly	..	Proposals have been received but not sanctioned. An inquiry has been made from Commissioner.
Bijnor	..	Ditto ditto.
Budaun	..	Preliminary proposals have been received. Detailed proposals are awaited.
Moradabad	..	Sanctioned.
Shahjahanpur	..	Ditto.
Pilibhit	..	No proposals have been made ; it is unlikely that any will be. Collector reports that no relief is necessary.
Farrukhabad	..	No proposals have been made ; it is doubtful whether any will be.
Etawah	..	Sanctioned.
Cawnpore	..	Ditto.
Fatehpur	..	Proposals have been received but not yet sanctioned. An inquiry has been made from the Commissioner on certain points.
Allahabad	..	Sanctioned.
Banda	..	Ditto.
Hamirpur	..	Ditto.
Jhansi	..	No proposals have been made ; it is doubtful whether any will be.
Jalaun	..	Sanctioned.

*District**Remission*PROVINCE OF AGRA—(*concluded*)

Benares	..	Commissioner has reported that these districts will not require any relief.	
Mirzapur	..	Ditto	ditto.
Jaunpur	..	Ditto	ditto.
Ghazipur	..	Ditto	ditto.
Ballia	..	Proposals have been received but as they do not appear to have been correctly prepared, Collector has been asked to furnish information on certain points.	
Gorakhpur	..	Sanctioned.	
Basti	..	Ditto.	
Azamgarh	..	Ditto.	
Naini Tal	..	No proposals are likely to be received.	
Almora	..	Ditto	ditto.
Garhwal	..	Ditto	ditto.

ODDH

Lucknow	..	Sanctioned.	
Unao	..	Ditto.	
Rae Bareli	..	Ditto.	
Sitapur	..	Ditto.	
Hardoi	..	Ditto.	
Kheri ..	..	Ditto.	
Fyzabad	..	No proposals have been made ; it is doubtful whether any will be.	
Gonda	..	Sanctioned.	
Bahraich	..	Ditto.	
Sultanpur	..	Ditto.	
Partabgarh	..	Ditto.	
Bara Banki	..	Ditto.	

LEGISLATIVE COUNCIL. UNITED PROVINCES OF AGRA AND OUDH

Wednesday, 5th July, 1933

The Council met at "Old Sherwood" (Government House grounds), Naini Tal, at 11 a.m. The Hon'ble Sir Sita Ram in the Chair.

PRESENT (85):

The Hon'ble Mr. E. A. H. Blunt.
The Hon'ble Kunwar Jagdish Prasad
The Hon'ble Nawab Sir Muhammad Yusuf.
The Hon'ble Mr. J. P. Srivastava.
Mr. J. M. Clay.
Mr. J. N. L. Sathu.
Mr. P. Mason.
Mr. P. M. Kharegat.
Mr. H. A. Lane.
Mr. J. J. W. Allsop.
Mr. A. H. Mackenzie.
Mr. P. P. M. O. Plowden.
Rai Bahadur Pandit Suraj Din Bajpai.
Rai Bahadur Batu Phul Chand Mogha.
Khan Bahadur Saiyid Ain-ud-din.
Saiyid Abdul Hasan.
Mr. Hari Kishen Mathur.
Mr. D. L. Drake-Brockman.
Mr. S. T. Hollins.
Mr. M. Masud Ali Khan.
Mrs. Kailash Srivastava.
Khan Bahadur Maulvi Fasih-ud-din.
Capt. K. O. Carleton.
Mr. E. Ahmad Shah.
Rai Sahib Babu Rama Charana.
Mr. Perma.
Rai Bahadur Babu Awadh Bihari Lal.
Chaudhri Ram Dayal.
Chaudhri Jagarnath.
Chaudhri Baldeva.
Rai Sahib Sahu Jwala Saran Kothiwala.
Mr. Tappu Ram.
Chaudhri Ram Chandra.
Chaudhri Ghasita.
Chaudhri Arjun Singh.
Rao Bahadur Thakur Pratap Bhan Singh.
Kunwar Girwar Singh.
Pandit Joti Prasad Upadhyaya.
Chaudhri Dhira Singh.
Rai Sahib Kunwar Dhakan Lal.
Thakur Balwant Singh Gahlot.
Rai Bahadur Mr. Brij Lal Badhwar.
Rao Bahadur Kunwar Sardar Singh.
Kunwar Jagbhan Singh.
Mr. Brijnandan Lal.
Rao Narsingh Rao.

Chaudhri Ram Adhin.
Mr. Bhondu Ram.
Chaudhri Bharos.
Pandit Shri Sadayntan Pande.
Rai Bahadur Babu Jagadeva Roy.
Rai Sahib Rai Rajeshwari Prasad.
Rai Bahadur Thakur Shiva Pati Singh.
Thakur Giriraj Singh.
Pandit Prem Ballabh Belwal.
Thakur Jang Bahadur Singh Bisht.
Pandit Brahma Dutt alias Bhaiya Sahib.
Thakur Muneshwar Bakhsh Singh.
Raja Birendra Bikram Singh.
Rai Bahadur Kunwar Surendra Pratap Sahi.
Mr. C. Y. Chintamani.
Rai Rajeshwar Bali.
Mr. Zahur Ahmad.
Syed Ali Zaheer.
Khan Bahadur Mr. Muhammad Abdul Bari.
Syed Yusuf Ali.
Khan Bahadur Muhammad Maqsood Ali Khan.
~~Chaudhri Ram Adhin.~~
Captain Nawab Muhammad Jamshed Ali Khan.
Mr. Muhammad Rahmat Khan.
Khan Bahadur Haji Muhammad Obaidur Rahman Khan.
Khan Bahadur Muhammad Hadiyar Khan.
Khan Bahadur Hafiz Hidayat Husain.
Khan Bahadur Maulvi Saiyid Habibullah.
Khan Bahadur Saiyid Zahid Ali Sabzposh.
Khan Bahadur Saiyid Jafer Hosain.
Shaikh Afzal-ud-din Hyder.
Khan Bahadur Sirdar Muhammad Shakir-ud-din Khan.
Khan Sahib Muhammad Irtiaz Ahmad.
Shaikh Muhammad Habibullah.
Chaudhri Muhammad Ali.
Rai Bahadur Kunwar Bisheshwar Dayal Seth.
Raja Jagannath Bakhsh Singh.
Rai Bahadur Babu Vikramajit Singh.
Munshi Gajadhar Prasad.

QUESTIONS AND ANSWERS

Wednesday, 5th July, 1933

Starred questions

*1. **Mr. C. Y. Chintamani:** [*Postponed at the request of Government.*]

HIGH SCHOOL AND INTERMEDIATE EXAMINATIONS RESULTS

*2. **Mr. C. Y. Chintamani:** (a) Will the Government be pleased to state how many copies of the results of the High School and Intermediate examinations were prepared this year and how they were disposed of?

(b) Will the Government be pleased to state whether a copy of the results was sent to a High School at Naini Tal for answering the inquiries of the students assembled there; if so, who was the officer deputed to answer the queries and to be in charge of the copy of the results?

(c) Will the Government be pleased to state whether this copy was given to the representative of the *Pioneer*; if it was so, by whom and under whose orders?

(d) If the answer to the above be in the negative, will the Government be pleased to state who gave a copy of the results to the representative of the *Pioneer* and under whose orders?

(e) Will the Government be pleased to state whether a representative of the *National Call* applied at Naini Tal for a loan of the copy of the results for a short period to enable him to copy them and whether his request was refused?

(f) Will the Government be pleased to state why these examination results were delivered at Naini Tal to a representative of the *Pioneer* when about a week earlier the request of the *Leader* for the same facility was turned down, as it had been in preceding years, by the Secretary to the High School and Intermediate Education Board on constitutional and administrative grounds?

(g) Will the Government be further pleased to state why, after the delivery of a full copy of these results at Naini Tal to a representative of the *Pioneer*, the Assistant Secretary to the Board of High School and Intermediate Education insisted upon the *Leader* sharing the only available press copy at Allahabad with the *Pioneer* which had already received a full copy eighteen to twenty hours earlier?

(h) Have the Government or the Board a uniform set of rules for the supply of High School and Intermediate results to the Press, or do these rules vary with the political complexion, or the Government opinion of, or the Government's interest in, each paper that applies for it?

The Hon'ble the Minister for Education (Mr. J. P. Srivastava): Government have nothing whatsoever to do with the publication of the results of the High School and Intermediate Examinations and made no suggestion of any kind, direct or indirect, as to how the results should be published or to whom copies of the results should be supplied.

(a) Three; one to the *Government Gazette*, one to the office of the Board of High School and Intermediate Education, and one to the Chairman of the Board.

(b) The Deputy Director of Public Instruction announced all the results at the Chet Ram High School, Naini Tal, and for this purpose used the Chairman's copy.

(c) Yes, by the Chairman of the Board after all the results had been announced at the Chet Ram High School.

(d) Does not arise.

(e) Not to the Chairman of the Board or to the Deputy Director, or to any one who had authority to lend the copy. Government are unable to say whether he applied to any one who had no authority in the matter.

(f) Because he was the only Press representative who asked the Chairman for them. The Chairman had no knowledge whatsoever of any request made by the *Leader*, or that any previous request of the kind had been rejected. Had the Chairman been aware that a request of this kind had been made to the Secretary of the Board, or had a request been made by the *Leader* to the Chairman, he would not have given a copy of the results to a representative of the *Pioneer* without giving them also to a representative of the *Leader* at Naini Tal.

(g) The *Pioneer* representative was unlikely to reach Allahabad with the results in time for publication and there did not appear to be any disadvantage to the *Leader* in having to share the copy with the *Pioneer* as the sheets could be exchanged as soon as they were printed off.

(h) There are no rules, but the Chairman of the Board would have given the results to any Press representative who had asked him for them. Government emphatically repudiate the insinuation in the latter part of the question.

Mr. C. Y. Chintamani : Are the authorities of the Board of High School and Intermediate Education subordinate to the Government ?

The Hon'ble the Minister for Education : I do not understand the question.

Mr C. Y. Chintamani : Are the Chairman and the Secretary of the Board of High School and Intermediate Education subordinate to the Government ?

The Hon'ble the Minister for Education : The Chairman is subordinate to the Government *qua* Director of Public Instruction

Mr. C. Y. Chintamani : And the Secretary ?

The Hon'ble the Minister for Education : The Secretary's services, I believe, are lent to the Intermediate Education Board.

Mr. C. Y. Chintamani : Is he still an officer of the Government ?

The Hon'ble the Minister for Education : Yes.

Mr. C. Y. Chintamani : With reference to clause (a), was no copy of the results left with the Secretary of the Board ?

The Hon'ble the Minister for Education : He had the original copy.

Mr. C. Y. Chintamani : What connexion has the Deputy Director of Public Instruction with the Board of Intermediate Education ?

The Hon'ble the Minister for Education : None.

Mr. C. Y. Chintamani : Then why did he announce the result at the Chet Ram High School ?

The Hon'ble the Minister for Education : He simply went along to help the Secretary.

Mr. C. Y. Chintamani : Is the Secretary somebody in the Board or is he nobody ?

The Hon'ble the Minister for Education : Of course the Secretary is the Secretary of the Board.

Mr. C. Y. Chintamani : Has he been divested of his authority and functions in favour of the Deputy Director of Public Instruction ?

The Hon'ble the Minister for Education : The Deputy Director simply went along to help the Secretary.

Mr. C. Y. Chintamani : Are copies of these results generally applied for and supplied by the Secretary or had the Chairman anything whatever to do with the matter in any previous year ?

The Hon'ble the Minister for Education : The Secretary supplies these copies, I believe, but with the permission of the Chairman.

Mr. C. Y. Chintamani : Why did the Chairman this year take it into his own hands to announce the results at the Chet Ram High School through his deputy who had nothing to do with the Board and supplied a copy to one newspaper ?

The Hon'ble the Minister for Education : The Secretary was giving out results to individual applicants and he thought that unless some assistance was given to him he could not announce them simultaneously at the Chet Ram High School. So the Chairman of the Board sent along the Deputy Director to do this work. It was purely with a view to facilitate matters and to help the Secretary.

Mr. C. Y. Chintamani : Is it a part of the official duty of the Secretary to answer individual inquiries before the result is published ?

The Hon'ble the Minister for Education : That has been the practice as a matter of courtesy. Students are anxious to know the results and we want to help them.

Mr. C. Y. Chintamani : Was it the practice in any previous year for the Chairman to send the Deputy Director to assist the Secretary in the manner indicated in the answer ?

The Hon'ble the Minister for Education : Last year the Secretary found it very difficult to do this work single-handed. There was great confusion and the Secretary especially made a request for assistance.

Mr. C. Y. Chintamani : Before the Chairman supplied the copy to one newspaper, did he inquire what had been the practice in the past, and did he consider that any departure was being made by him this year ?

The Hon'ble the Minister for Education : In the absence of any request, he concluded that there was no request made this year.

Rai Rajeshwar Bali : Is it not the practice that whatever request has to be made by a body, even to the Government, it has to be done through the Secretary?

The Hon'ble the Minister for Education : I believe there was no request made officially even to the Secretary.

Mr. C. Y. Chintamani : By whom?

The Hon'ble the Minister for Education . By anybody.

Rai Rajeshwar Bali : Will the Hon'ble the Minister kindly inform us what does he mean by the word "officially"? Was that request made officially by the *Pioneer*?

The Hon'ble the Minister for Education : Yes, to the Chairman.

Rai Rajeshwar Bali : Is it right that such a request should be made to the Chairman direct and not through the Secretary?

The Hon'ble the Minister for Education : Certainly, why not?

Mr. C. Y. Chintamani : Clause (e) says "Not to the Chairman of the Board or to the Deputy Director or to any one who had authority to lend the copy." What was the authority of the Deputy Director in any matter relating to the Board of Intermediate Education?

The Hon'ble the Minister for Education : Because he had been deputed by the Chairman to go and announce the results. His authority was derived from that.

Mr. C. Y. Chintamani : Was any step taken to let any one know that the Deputy Director had been delegated authority and was exercising it?

The Hon'ble the Minister for Education : The Chairman announced that all the results would be read out in the Chet Ram High School by the Deputy Director.

Mr. C. Y. Chintamani : But the Chairman did not announce that applications for copies could be made to the Deputy Director officially?

The Hon'ble the Minister for Education : Sir, I beg to submit that that does not arise.

Mr. C. Y. Chintamani : Sir, is that for you, Sir, or for the Hon'ble the Minister to say whether my question does or does not arise?

The Hon'ble the Minister for Education : What I mean is that the answer is already given here. If I may explain, the request ought to have been made in the usual course of things to the Chairman of the Board.

Mr C. Y. Chintamani : Or the Secretary?

The Hon'ble the Minister for Education : To the Chairman of the Board, or if an official request is made to the Secretary, he will forward it to the Chairman and take his orders.

Mr C. Y. Chintamani : Has the Hon'ble the Minister made quite certain that such a request was not made to the Secretary when he denied that statement in clause (e)?

The Hon'ble the Minister for Education : We have not inquired from the Secretary; the answers had to be given immediately. But the Chairman did not receive any such request through the Secretary.

Rai Rajeshwar Bali: May I know from the Hon'ble the Minister whether when any official request was made to the Chairman by the *Pioneer*, did the Chairman inquire from the Secretary or pass orders without consulting the Secretary?

The Hon'ble the Minister for Education: Yes, he did discuss it with the Secretary. The Secretary did not tell him at that time that an application had been made by the *Leader*.

Mr. C. Y. Chintamani: If that be so, what disciplinary action has the Chairman taken against the Secretary for having kept him in the dark about a most relevant and important factor and thus kept him in ignorance and led him to perpetrate an act of favouritism and prejudice?

The Hon'ble the Minister for Education: The Secretary has not yet been asked his explanation in the matter. I do not believe yet that the Secretary is at fault. If an official request like that had been made to him he should certainly have disclosed it to the Chairman.

Mr. C. Y. Chintamani: Has the Hon'ble the Minister read the signed statements published over the signatures of Mehta Krishna Ram, Editor, and Babu Vishnu Ram, General Manager of the *Leader*?

The Hon'ble the Minister for Education: I was told of it that there were some such statements, Sir.

Mr. C. Y. Chintamani: He has not read them. If not the Hon'ble the Minister, has the Chairman of the Board read those statements?

The Hon'ble the Minister for Education: I shall have to inquire from the Chairman of the Board whether he has or has not.

Mr. C. Y. Chintamani: Is the statement here that the Chairman had no knowledge whatsoever of any request made by the *Leader* or that any previous request of the kind had been rejected, made in ignorance or without knowledge of the correspondence that had passed between the Secretary of the Board and the General Manager of the *Leader* and which had been made in ignorance and subsequently came to his knowledge and he made an inquiry; and if he knew that before, then how could this statement be supported?

The Hon'ble the Minister for Education: If the *Leader* had seen it fit to make a complaint to the Chairman or to Government the matter would have been inquired into.

Mr. C. Y. Chintamani: Does the Hon'ble the Minister yet realize that *bona fide* or otherwise an act of favouritism was perpetrated in favour of a newspaper with which he himself is connected in disregard of all correspondence of previous years and of this year officially with the Secretary of the Board and another Board?

The Hon'ble the Minister for Education: Sir, I would repudiate the insinuation contained in this supplementary question. The affairs of the Intermediate Board have nothing whatever to do with the Minister or with the Government as such, and if the *Leader* had a grievance in the matter their remedy was open. They could have written to the Chairman of the Board or they could have written to the Government, in which case the matter would have been gone into.

Mr. C. Y. Chintamani: There is no insinuation. It is a very definite suggestion. Apart from that, will the Hon'ble the Minister be

pleased to state how he reconciles the statement which he has now made, that is his principal statement, namely that the Chairman had a discussion with the Secretary of the Board before he handed a copy to the representative of the *Pioneer*, with the statement in the printed answer to clause (f), namely had a request been made by the *Leader* to the Chairman, he would not have given a copy of the results to a representative of the *Pioneer* without giving them also to a representative of the *Leader* at Naini Tal, in view of the fact that the Minister said that the Chairman had a discussion with the Secretary before he took this action?

The Hon'ble the Minister for Education : I have already said, Sir, that the Chairman had a discussion with the Secretary before giving this copy to the *Pioneer*. The Secretary did not tell him of any talk that he may have had privately or otherwise with the representative of the *Leader*. The *Leader* did not write to the Chairman. They did not approach him either before or after the copy had been given to the *Pioneer*.

Rai Rajeshwar Bali : Was it constitutionally more correct for the *Leader* to apply to the Secretary or write direct to the Chairman?

The Hon'ble the Minister for Education : My point is that there was no application made to the Secretary officially.

Mr. C. Y. Chintamani : By whom?

The Hon'ble the Minister for Education : By the *Leader*.

Mr. C. Y. Chintamani : There was no application made to the Secretary?

The Hon'ble the Minister for Education : Officially.

Mr. C. Y. Chintamani : What is the meaning of "officially"?

The Hon'ble the Minister for Education : The meaning is there.

Mr. C. Y. Chintamani : The formal correspondence is addressed to the Secretary and formal replies are given by him. Then what is the distinction between that and the definition of official and what is its meaning?

The Hon'ble the Minister for Education : I am not aware of the *Leader* having written to the Secretary anything.

Mr. C. Y. Chintamani : Then all these answers . . .

The Hon'ble the President : Let the Hon'ble the Minister finish.

The Hon'ble the Minister for Education : I am not aware of any written request having been made to the Secretary.

Mr. C. Y. Chintamani : Am I to understand that these answers over the signature "J. P. Srivastava, Minister for Education" have been made without inquiring into facts and without any knowledge of them?

The Hon'ble the Minister for Education : We have made inquiries as far as we could. I have stated in the very first paragraph that Government have nothing whatever to do with the publication of the results. The proper place for asking these questions should be the Board itself.

Mr. C. Y. Chintamani: May I draw your attention to the fact that for the second time in the last two minutes the Minister has told me as regards these questions that they do not arise out of his answers or what is or what is not the proper place to put these questions, and that the only authority which can rebuke members is yourself and none of the members of the Government?

Mr. C. Y. Chintamani: With reference to the answer to clause (g) "The *Pioneer* representative was unlikely to reach Allahabad with the results in time for publication" am I to understand that when for the first time a representative of the *Pioneer* asked for a copy of the results at Naini Tal, no inquiry was made and no information was available as to the purpose with which that request was made and the arrangements made by that paper in order to get the results published earlier than other papers?

The Hon'ble the Minister for Education: No. I believe the *Pioneer* representative told the Chairman that he wanted to try a journalistic stunt—I do not know what that means—and that he was going to motor and take the results down to Allahabad, but there was danger of a breakdown on the way.

Mr. C. Y. Chintamani: Therefore there was full knowledge of the purpose with which this request was made to get the results only for a single paper at a place where the Secretary said the results could not be available to anybody, there was knowledge of the fact that the *Pioneer* representative was borne down by car to Allahabad with these results and yet the *Leader* was not supplied with a separate copy and in spite of that request having been made the second copy was given to the *Pioneer* to be shared with the *Leader*.

The Hon'ble the President: I am afraid it is too involved an argument.

Rai Rajeshwar Bali: May I inquire from the Hon'ble the Minister whether he considers that he has given a full and complete answer to the question when he has done so without consulting the chief man concerned, namely the Secretary of the Board?

The Hon'ble the Minister for Education: The answer might have been simply as I said before the three or four lines printed at the top of the replies given to the original questions. Government have no status to make inquiries into the affairs of the Intermediate Board. They are at full liberty to publish the results as they like, and we could not dictate to them, nor could we inquire into the details. I have made inquiries as far as I could from the Chairman who also happens to be my Director of Public Instruction in order to oblige the honourable member.

Mr. C. Y. Chintamani: If the Chairman of the Intermediate Board was "my Director of Public Instruction", not the Government's and if throughout these answers it is the Chairman that has been referred to and not the Board over whom the Minister says the Government have no authority, what rendered it impossible for him to take the necessary steps in this matter after he knew that there was a complaint?

The Hon'ble the Minister for Education: There was no time to do that. We wanted to answer the questions at once. If the honourable member wants further inquiries to be made, we shall do so.

Mr. C. Y. Chintamani: Is it the statement of the Minister that between the date of publication of the results of the Intermediate and High School examinations and today the Minister has had no time to make the inquiry?

The Hon'ble the Minister for Education: No, Sir, I mean since the date when we received these questions.

Mr. C. Y. Chintamani: That is to say during the ten days or more that intervened between the questions and the answers the Minister has had no time? I want clearly to understand this

The Hon'ble the Minister for Education: We thought that these answers would satisfy the honourable member there. If he thinks that he wants further inquiries to be made, we would do so and give an answer at a later date if there are any specific points that he wants to be further cleared up.

Mr. C. Y. Chintamani: So that, Sir, it is because he did not think that the answers were unsatisfactory and not because there was no time that he did not make the inquiry.

The Hon'ble the President: This now becomes a matter of inference.

Mr. C. Y. Chintamani: In the answer to question 2(b) it is stated that there are no rules. Does the Hon'ble the Minister realize the consequences that follow from the absence of rules? Will he take steps to see that there are definite and intelligible rules for the guidance of officials and the public in this connexion?

The Hon'ble the Minister for Education: Well, Sir, it is for the Board to frame such rules.

Mr. C. Y. Chintamani: May I understand that the Government and the Board treat each other at arm's length and no suggestions can be made by the Minister to the Board in any matter to which they may attach any degree of importance?

The Hon'ble the Minister for Education: The honourable member knows best what are the relations between Government and the Board as he is the father of the Board.

Mr. C. Y. Chintamani: The father of the Board does not recognize that Board in its present incarnation under the father's successor. Will the Hon'ble the Minister consider the advisability of suggesting to the Board through "my Director of Public Instruction" to avoid the publication of results at Naini Tal and reverting to the commonsense practice of publishing them at headquarters and treating all who apply for results with equality and impartiality?

The Hon'ble the Minister for Education: Sir, the Government have no power in the matter. I have already explained that it is for the results committee and the examination committees of that Board to fix these details. They can meet where they like; they can meet when they like. But if it will give satisfaction to the honourable member I will suggest to the Director of Public Instruction that he might consider the desirability of meeting at a more central place.

Mr. C. Y. Chintamani: Having been snubbed twice I desire to draw your attention to the fact that the Minister instead of taking a note of the meaning of the questions he practically puts into my mouth things which I have never suggested. My question is whether

he would consider the advisability of conveying the suggestion to the Intermediate Board?

The Hon'ble the Minister for Education: Sir, I have answered that. I say that I have no power to make any suggestion officially, but I would suggest to my Director of Public Instruction that he might put this view before the examination committee, who must be left to decide the matter as they like. I cannot dictate their action in this regard.

The Hon'ble the President: We may now pass on.

Mr. A. H. Mackenzie: May I, with your permission and in fairness to the Secretary of the Intermediate Board, make a personal explanation?

The Hon'ble the President: That can only be done after the question time. The honourable member may make that statement after question time?

*3. **Munshi Gajadhar Prasad:** [*Postponed at the request of Government.*]

RECRUITMENT TO PROVINCIAL SERVICE OF ENGINEERS

*4. **Munshi Gajadhar Prasad:** (a) Will the Government be pleased to state since when has the recruitment to Provincial Service of Engineers been stopped and why?

(b) When is it contemplated to renew the recruitment again?

The Hon'ble the Finance Member (Mr. E. A. H. Blunt): (a) So far as the Irrigation Branch is concerned, since the year 1931. In case it was found necessary to provide for the absorption of the engineering officers rendered surplus in the Buildings and Roads Branch

(b) The question is still under consideration.

The Hon'ble the Minister for Local Self-Government (Nawab Sir Muhammad Yusuf): (a) So far as the Buildings and Roads Branch is concerned, recruitment has been stopped since January 1931. It was stopped because reorganization of the branch was impending, which would cause a surplus even among officers already in service.

(b) It is impossible to say at present when recruitment will be reopened. That depends on the form that the reorganization will finally take, which has not yet been decided.

Munshi Gajadhar Prasad: Will the Government be pleased to state as to when the Government is likely to come to a definite decision in the matter? I want to have an approximate idea of the time.

The Hon'ble the Finance Member: I am afraid I cannot give an idea, even approximately.

*5. **Munshi Gajadhar Prasad:** [*Postponed at the request of Government.*]

RECRUITMENT FROM THE BAR FOR THE POST OF DISTRICT AND SESSIONS JUDGES

*6. **Munshi Gajadhar Prasad:** (a) Will the Government be pleased to state the names and number of persons recruited direct from the Bar for the post of District and Sessions Judges in these Provinces since 1920?

(b) Why and since when has such recruitment been stopped ?

The Hon'ble the Home Member : Kunwar Jagdish Prasad :

(a) One, namely Pandit Tej Narayan Mulla.

(b) The honourable member is referred to the answer given to starred question No. 100 for 17th December, 1928.

Munshi Gajadhar Prasad : With reference to the answer to part (b), will the Hon'ble the Home Member be pleased to state when the Government is likely to take up that question over again ?

The Hon'ble the Home Member : Not in the near future, Sir.

*7. **Rai Sahib Rai Rajeshwari Prasad :** [*Postponed at the request of Government.*]

INTEREST ON AGRICULTURAL LOANS

*8. **Rai Sahib Rai Rajeshwari Prasad :** Do Government intend to make any reduction in the interest they charge on agricultural loans ? If so, what and if not, why ?

The Hon'ble the Finance Member : Government has the matter under consideration.

*9. **Babu Ram Bahadur Saksena :** [*Postponed at the request of Government.*]

PROMOTION AMONGST EMPLOYEES IN DIFFERENT CIRCLES OF THE IRRIGATION DEPARTMENT

*10. **Syed Yusuf Ali :** (1) Is it a fact that each Superintending Engineer has got a list of employes of his circle arranged in order of seniority and such a list is kept in his office ?

(2) Has the Chief Engineer any such list in his office ? If so, does it correspond to the lists kept and maintained by each Superintending Engineer ?

(3) Has the Chief Engineer got any list quite different from those maintained by Superintending Engineers ? If so, on what basis is it framed and when was it prepared ?

(4) Is it a fact that in circle VI the office of Superintending Engineer maintained a list of its office employees arranged in order of seniority, prepared in 1928 ? If so, will the Government be pleased to lay a copy on the table ?

(5) Is it a fact that that list was in force and acted upon for the purposes of promotions and of giving officiating chances till September, 1932 ?

(6) What is the system and method on which promotions are given to the employees in different circles ? What are the chief considerations on which a person is considered to be entitled to the promotion in superior grade ?

(7) Is it a fact that the Chief Engineer gave certain promotions to the employees of office of circle VI in October, 1932 ? What was the basis of those promotions and on what principle were they given ?

(8) Is it a fact that the lists showing promotions to be given in October, 1932, were, before they were finally given effect to, sent to all the Superintending Engineers for opinion ?

(9) Is it a fact that as a general rule, it is the Superintending Engineer of each circle who gives promotions and officiating chances to the employees of his office?

(10) Is it also a fact that the Chief Engineer or his office has nothing to do with the promotions that are given to the office employees of different circles?

(11) Did the Chief Engineer ask for the lists of office employees maintained in the offices of Superintending Engineers of different circles and was his arrangement of promotion based on, and in accordance with, the arrangement of seniority as laid down in those lists? If not, why?

(12) On what basis did the Chief Engineer give those promotions then?

(13) Did any Superintending Engineer make any protest or show his dissatisfaction with the method of promotions as given by the Chief Engineer in October, 1932? If so, who were those Superintending Engineers?

(14) Was there any correspondence between the Chief Engineer and the Superintending Engineers in the matter of promotions of October, 1932? If so, will the Government be pleased to lay a copy of all that correspondence on the table?

(15) Is it a fact that some clerks in Circle VI superseded others without any regard to juniority and seniority?

(16) Will the Government be pleased to lay on the table the lists (originally proposed and revised) of persons of Circle VI who were given promotions in October, 1932, giving in detail the date of the commencement of their service and their previous and present grades of pay?

(17) Will the Government be pleased to lay on the table the lists submitted by the Superintending Engineers of all circles for promotions to be given from 1st November, 1928, showing the grade for which each clerk was recommended for promotion and confirmation and the grade on which he was actually confirmed?

(18) Is it a fact that in November, 1928, a list of employees of different circles was prepared by the Office of Chief Engineer for purposes of promotions?

(19) Were any promotions or officiating chances given after 1928 on the basis of the list then prepared? If so, will the Government be pleased to lay on the table the list prepared by the Chief Engineer's Office in 1928 and the list of promotions and officiating chances that were given according to that list between November, 1928, and September, 1932?

(20) Is it a fact that between November, 1928 and September, 1932, all promotions and sub-promotions and officiating chances were given according to the list of seniority prepared by each Superintending Engineer for his circle?

(21) Is it a fact that these lists by Superintending Engineers were quite different from that list which was prepared by the Chief Engineer in November, 1928?

(22) What office or post was occupied by Hari Nandan Lal in the office of the Chief Engineer in 1932 and what office does he occupy now?

(23) Is it a fact that the said Hari Nandan Lal is related to either Madan Gopal or Lakhpat Rai, the two clerks in the office of the Superintending Engineer, Circle VI?

(24) Is it a fact that Madan Gopal in 1931 appealed to the Superintending Engineer, Circle VI to the effect that he (Madan Gopal) is senior to Amanat Husain Qureshi and should be put ahead of Amanat Husain Qureshi in the seniority list of Circle VI?

(25) Is it a fact that that appeal was rejected?

(26) Is it a fact that in the arrangement of 1932, the said Madan Gopal and Lakhpat Rai superseded Amanat Husain Qureshi and were placed above him in the seniority list? If so, on what principle and basis was it done?

(27) Is it a fact that the list of 1932, prepared by the Chief Engineer's office for the purposes of promotions, has been ordered to be cancelled, after the arrangements according to it are given effect to and the respective Superintending Engineers have been directed to ask for future promotions according to the list prepared by them in order of seniority?

(28) What list will be taken to be the basis for promotions in future, the list prepared by the Chief Engineer in 1932 or the lists prepared by respective Superintending Engineers for their respective offices?

(29) Is the Government prepared to intervene in the matter of promotions given in 1932?

(30) Is it a fact that Mr. Hari Nandan Lal has recently been appointed as an officiating Superintendent in the Irrigation department Secretariat?

(31) Is it a fact that he has superseded several others who were senior to him in all respects and had even crossed the efficiency bar?

(32) Is it a fact that Messrs. Tirbeni Sahai Johari and Jagmohan Sarup, clerks of the Irrigation department Secretariat, were promoted to Rs.100 from 15th March, 1929, and 1st March, 1932?

(33) Is it also a fact that Mr. Tirbeni Sahai was not allowed to draw his increment from the abovementioned date while Mr. Jagmohan Sarup was allowed to do so? If so, what was the principle adopted and under what fundamental rule?

The Hon'ble the Finance Member: (1) Yes.

(2) and (3) The Chief Engineer keeps a list of certain men appointed by him to certain posts, but this of course differs from the circle lists. In 1928, and again in 1932, when for various reasons an unusually large number of promotions became due, the Chief Engineer prepared a provincial list of circle clerks recommended by their superintending engineers for promotion. The object of this was to equalize promotion as far as possible through the circles. The recommendations, and the list itself, were framed on a basis of seniority and merit.

(4), (a) Yes.

- (b) No. The list is confidential.
- (5) Yes.
- (6) Men are promoted according to seniority, tempered by merit.
- (7) The Chief Engineer made the selection, though the Superintending Engineer made the actual promotions. Promotions were made on the principles mentioned in the answer to sub-question (6).
- (8) No. The list was prepared according to the Superintending Engineers' recommendations.
- (9) Yes.
- (10) Yes, in ordinary circumstances.
- (11) (a) The honourable member is referred to the answer to sub-question (8).
- (b) and (12) Government is not prepared to state details relating to the promotion of individual officers. As has often been ruled by the Hon'ble the President, this is not a matter of public concern.
- (13) No.
- (14) Does not arise.
- (15) The honourable member is referred to the answer to sub-questions 11(b) and (12).
- (16) and (17) No. The list or lists are confidential.
- (18) The honourable member is referred to the answer to sub-questions (2) and (3).
- (19) and (20) The honourable member is referred to the answers to sub-questions 11(b) and (12) and (16) and (17).
- (21) The honourable member is referred to the answer to sub-questions (2) and (3).
- (22) He was a senior assistant. He is now officiating as a Superintendent in the same section.
- (23) No.
- (24) to (26) The honourable member is referred to the answer to sub-questions 11(b) and (12).
- (27) The list was prepared for a single purpose and related to a single occasion. It is, for that reason, no longer in use.
- (28) Circle seniority lists
- (29) The honourable member is referred to the answer to sub-questions 11(b) and (12).
- (30) Yes.
- (31) This was a short leave vacancy, in which it is usual to appoint the most senior assistant in the same section, if qualified. As Babu Hari Nandan Lal was the most senior, he was appointed.
- (32) Yes.
- (33) The honourable member is referred to the answer to sub-questions 11(b) and 12.
- Syed Yusuf Ali:** With reference to the answers to parts (2) and (3), will the Government be pleased to state the various reasons for which this large number of promotions became due?

The Hon'ble the Finance Member : In one case there was a new circle made permanent and in the other there were a considerable number of permanent vacancies and a large number of grade promotions were due.

Syed Yusuf Ali : Will the Government be pleased to state if Amanat Husain Qureshi was one of the names that were recommended for promotion by the Superintending Engineer?

The Hon'ble the Finance Member : I am not willing to discuss the case of any individual officer.

Syed Yusuf Ali : I want to know if his name was recommended by the Superintending Engineer of Circle VI.

The Hon'ble the Finance Member : I am not prepared to give any details regarding the case of any particular officer.

KANDOLIA FOREST IN THE GARHWAL DISTRICT

***11. Thakur Jang Bahadur Singh Bisht** (*absent*) : (a) Will the Government be pleased to state the area of the Kandolia Forest at Pauri in the Garhwal District?

(b) Is it a fact that the Deputy Commissioner, Garhwal, does not allow access to this forest?

(c) Is it a fact that cattle are being impounded and charged extra fee for transgressing the forest in addition to pound fee under the orders of the Deputy Commissioner?

(d) Do Government propose to take any action in the matter? If so, what?

The Hon'ble the Finance Member : (a) The area is 144 acres.

(b) No. A public road runs through the forest and is used daily by the public. The forest is open for removal of dry wood all the year, and for grass-cutting for one month annually after the rains. Persons granted trees from the forest have access to the forest at all times in order to cut them.

(c) No. Cattle are impounded for trespassing in the forest, which is a protected forest under the control of the Deputy Commissioner; but the only fee charged is the ordinary pound fee which is credited to the District Board. An extra fee used to be levied, but has been abolished.

(d) In view of the above replies no action by Government is necessary.

ADMISSION OF STUDENTS IN THE HARCOURT BUTLER TECHNOLOGICAL INSTITUTE, CAWNPORE

***12. Rai Bahadur Babu Vikramajit Singh :** (a) Will the Government be pleased to state the number of students in the Harcourt Butler Technological Institute, Cawnpore, in each Department?

(b) Will the Government be pleased to state the number of applications which were rejected for admission to each of these departments during the last five years?

(c) What steps is the Government taking to avoid disappointments to students seeking admission?

(d) Is it the intention of Government to give better facilities for admission?

(e) Is it a fact that the cost of teaching per student is higher because of the restricted admissions?

The Hon'ble the Minister for Education: (a) and (b) A statement is laid on the table.

(See Appendix A, page 464.)

(c) and (d) The number of admissions to the Sugar and Oil sections has recently been raised.

(e) Yes; but admissions cannot be increased without detriment to the quality of the training imparted.

Rai Bahadur Babu Vikramajit Singh: With regard to (c) and (d), may I know what was the number originally fixed for each of these sections and to what extent it has been raised?

The Hon'ble the Minister for Education: Sir, I could not answer this off-hand, but I believe the number was 10 and it was increased to 20.

Rai Bahadur Babu Vikramajit Singh: Was this number of 10 fixed for all the sections or for each section?

The Hon'ble the Minister for Education: For those two sections, Oil and Sugar.

Khan Bahadur Hafiz Hidayat Husain: Is the Government aware that the cost of training comes to about Rs.5,000 per head?

The Hon'ble the Minister for Education: Yes.

Khan Bahadur Hafiz Hidayat Husain: Does not Government consider this to be an enormous cost?

The Hon'ble the Minister for Education: Yes, we do, but technical education is always expensive.

Khan Bahadur Maulvi Fasih-ud-din: Does the Government realize that when the number of students is doubled, the cost of training will also be doubled?

The Hon'ble the Minister for Education: Not necessarily.

Rai Bahadur Babu Vikramajit Singh: Will the Government be pleased to state why in that case only one student was admitted to the Leather Section and five to the General Research Section and a number of applications were refused for admission into the General Research Section?

The Hon'ble the Minister for Education: I suppose, Sir, because the applicants were not suitably qualified.

Rai Bahadur Babu Vikramajit Singh: Is any qualification prescribed for admission?

The Hon'ble the Minister for Education: Yes, Sir, there are qualifications laid down in the rules.

Rai Bahadur Babu Vikramajit Singh: Were those students not duly qualified according to the prescribed rules or certain other tests were applied?

The Hon'ble the Minister for Education: This is going into details and I cannot answer this question without notice.

Rai Bahadur Babu Vikramajit Singh: With regard to question (e), may I know what is the difficulty in giving training to a large number of students? Are there not sufficient laboratories or teachers?

The Hon'ble the Minister for Education: In a training of this kind individual attention is the main thing; they have to work on semi-large scale plant. If there is a large number of students working at the same time, they do not get the same kind of practical and tutorial training.

Khan Bahadur Hafiz Hidayat Husain: Is the Government aware that students trained there at such a high cost do not get suitable jobs?

The Hon'ble the President: I am afraid it is becoming an argument now: it is no longer a question.

OBSERVANCE OF SARTORIAL ETIQUETTE IN THE ALLAHABAD HIGH COURT

*13. **Munshi Gajadhar Prasad:** Will the Government be pleased to lay on the table the rules of sartorial etiquette which have been recently enforced by the High Court?

The Hon'ble the Home Member: A copy of the rules is laid on the honourable member's table.

(See Appendix B, page 464)

SHORT NOTICE STARRED QUESTION

CASE OF HALIMAN AND ANOTHER *versus* MEDIA AND ANOTHER

*1. **Rai Sahib Rai Rajeshwari Prasad:** (a) Has the attention of the Government been invited to the judgment of the Hon'ble High Court in the Stamp reference in First Appeal no. 336 of 1929 (Haliman and another *versus* Media and another) decided on 2nd March, 1933?

(b) Do Government intend to issue a notification under section 35 of the Court Fees Act so that the court-fee payable in cases of the kind referred to above may be computed on five times the proportionate land revenue?

The Hon'ble the Finance Member: (a) Not so far as Government have been able to ascertain in the time available.

(b) Government will examine the question.

Rai Sahib Rai Rajeshwari Prasad: In view of the importance of the matter to litigants will the Government please give early attention to it?

The Hon'ble the Finance Member: As early as we can, Sir. We have to get the papers from the High Court.

STATEMENT REGARDING SUPPLY OF RESULT OF BOARD
OF HIGH SCHOOLS AND INTERMEDIATE EXAMINATION
TO CERTAIN NEWSPAPERS.

Mr. A. H. Mackenzie : Sir, I wish to make a statement.

The Hon'ble the President : May I ask in what capacity he wants to make this statement as Chairman of the Intermediate Board, as Director of Public Instruction or as Deputy Secretary to Government?

The Hon'ble the Minister for Education : As Director of Public Instruction.

The Hon'ble the President : It is for him to answer.

Mr. A. H. Mackenzie : I wish to make a statement, Sir, as Chairman of the Board. May I make a statement, Sir?

The Hon'ble the President : Yes.

Mr. A. H. Mackenzie : My reason for making this statement is that the supplementary questions and answers may have created an impression that the Secretary to the Intermediate Board deliberately withheld from the Chairman the information that the *Leader* had applied to him for a copy of the examination results. I wish, therefore, to make this statement, as I think that that inference would be very unfair to an officer whom I respect very highly and who is respected very highly by everybody who knows him. After the *Leader* complained in certain articles of what it regarded as unfairness, I sent for the Secretary and taxed him with having withheld from me information which if I possessed I would not have acted as I had done. I was convinced from my conversation with the Secretary that he had no intention of withholding the information from me. In fact he said in the course of our conversation that he thought he had given me this information, although he had no definite recollection. I was perfectly satisfied that the Secretary would have given me this information if it had not been that he was extremely busy during the two days preceding the publication of the results, and that the pressure of work connected with the examination results did prevent him from thinking of everything that he should have told me.

Mr. C. Y. Chintamani : Sir, arising out of the explanatory statement which has been made, I wish to express my sense of gratification that the honourable speaker who has just sat down has had the sense of fairness to say that his statement has been rendered necessary not really by my supplementary questions which directly arose out of the nature of the answers given, but because of the nature of the answers of his honourable chief. I have sought your permission to make this explicit in order that the impression might not be formed that I personally went out of my way to draw any conclusion unfair to the secretary of the Intermediate Board and to make it clear that whatever substance there was in my questions they arose inevitably out of the nature of the answers given, and therefore if that inference is drawn the responsibility is not mine but of the author of the answers.

The only other point which I, with your permission, wish to make is that the answers of the Hon'ble Minister that contained the information with regard to the demand for an explanation from the chairman and the secretary necessitated all the questions put to him, which would otherwise never have arisen.

RESULT OF ELECTION TO THE SELECT COMMITTEE ON
THE BILL TO AMEND THE UNITED PROVINCES TOWN
AREAS ACT.

The Hon'ble the President: Let me announce the result of the election for the select committee on the Bill to amend section 14 of the Town Areas Act, II of 1914. The following members have been elected :

1. Pandit Shri Sadayatan Pande.
2. Pandit Brahma Dutt *alias* Bhaiya Sahib.
3. Khan Bahadur Muhammad Maqsood Ali Khan.
4. Mr. Perma.
5. Kunwar Girwar Singh.
6. Khan Bahadur Saiyid Jafer Hosain.
7. Shah Nazar Husain.
8. Mr. P. Mason.
9. Rai Bahadur Babu Phul Chand Mogha.
10. Chaudhri Ram Adhin.
11. Rai Sahib Babu Rama Charana.

THE UNITED PROVINCES REDUCTION OF INTEREST BILL

THE USURIOUS LOANS (UNITED PROVINCES AMENDMENT) BILL

THE UNITED PROVINCES AGRICULTURISTS RELIEF BILL

***Rai Rajeshwar Bali:** Sir, I wish to join the honourable members of this House in congratulating the Hon'ble the Finance Member on bringing forward these measures for the relief of the agriculturist. It has been a standing complaint with us that the Government has seen old families, old estates dying out without affording them any such relief as could have saved them. And as has been pointed out by my friend on my left even the zamindars have been pressing for such relief as has been outlined in the speech delivered by that great statesman Mr. Gokhale in 1906. Sir, it is a matter of gratification that after a long time such measures of relief have been introduced in this House though in their present shape they would not be adequate to meet the needs of the situation. As is well known, unemployment in the middle classes and the great poverty and ignorance among the agriculturists are the two great menaces with which we are threatened and on whose solution the well being and the continuance of the existing system of society mainly depends. In the case of the poverty of the tenants the question of indebtedness plays a great part. I am really glad that on account of these Bills public attention will be focussed on another matter which has been causing this poverty among the tenants. So far the popular belief has been that it is only the wicked landlord who is at the bottom of all the troubles of the tenant. It is he who is the curse of the countryside. I am glad that this will afford an opportunity to divert public attention to another main factor which is at the bottom of the troubles of the tenants. Sir, I need not dilate at any great

Rai Rajeshwar Bali.]

length on the influence of the money-lender over the tenant. In fact those who are aware of the conditions in the villages will readily admit that very often his clutches are more ferocious than even those of the worst among us. He resorts to *begar* and he resorts to extortion. In fact my experience has been that it is very seldom that he gives a receipt for the payment which he receives of his dues. I have experience of a number of such cases every year when I have found that inspite of the fact that the tenant has allowed his land to be tilled by the money-lender for eight, ten or more years his principal remains the same as before. Therefore, Sir, any measure which gives relief to the tenants in an adequate manner in this matter will be a great boon to the tenants of the province. This evil was in existence even before the present slump, even before the present general economic depression and in the present state of things it has been very considerably aggravated. The main idea of the present legislation is that because we have got unusual and extraordinary conditions therefore the ordinary laws of contract do not hold good in the present circumstances. Everywhere we hear of moratorium settlement of debts at concession rates. If that be the main idea I do not see why there should be any limit as has been imposed in the Bill. I do not see why the limit of Rs.5,000 should be prescribed. Every one of us has suffered from the effects of the depression and people who pay larger revenue are as much affected by the depression as those who pay the minimum revenue. I therefore earnestly draw the attention of the House to the proposal which was made by the leader of my party regarding the Government taking a loan to repay the debts of the agriculturists. This question was discussed by Mr. Gokhale as far back as 1906 and if the Government can take it up even now it will go a great way to relieve the agriculturists. Mr. Gokhale in his speech suggested that this was particularly necessary in a province like ours and now that money is so cheap in the market it is most opportune that this question should be seriously taken into consideration. I know there are many difficulties in adopting it wholesale. We will have to consider the question of giving adequate relief and the question of the period of payment and so on, but that should not deter us from adopting a measure which will go a long way to help the agriculturist in his troubles. But we have also to consider whether we can devise some other means to help the small tenants, for I do not think that these measures will help those who have got small holdings and precarious cultivation. For them we shall have to consider some other means, and I would invite the attention to the House to the need of making suggestions in that behalf. Sir, as regards the limits which are referred to, the limit of Rs.5,000 and the limit of Rs.200, it has to be seen that a landlord who pays larger revenue, a landlord who owns a larger number of acres of land is as much affected by the present depression as one who pays the minimum. It may be said: after all, he gets much more and he should limit his expenditure. But there is a limit to which this can be done, and if mighty and solvent Governments like the British Government and the French Government can ask for concessions for the settlement of war debts, I do not see why a landlord who pays higher land revenue than Rs.5,000 should not ask for concessions.

Moreover, there is one more point which has been overlooked. If the limit of Rs 5,000 is retained in the Bill, it will hit the village money-lender only. The big money-lenders lend larger sums, and there is no reason why these bigger money-lenders who can afford loss more easily than the village money-lenders should not also make some sacrifice in these abnormal circumstances. Sir, further, there is the question of maximum and minimum rates which have been prescribed in the Bill. I do not wish to detain the House at this moment with a discussion of this, but I wish to point out that if these rates are prescribed there will be the danger that the minimum rates will become the normal maximum rates, and it would be impossible to get money at lower rates. Lastly, I wish to point out that it is a mistake to think that these measures of relief are merely aimed at helping the agriculturists at the expense of the money-lenders. Sir, it will be found that a large number of agriculturists, both landlords and tenants, are themselves money-lenders; therefore, it is a mistake to think that their interests clash with one another. We are all equally interested in making it as equitable to both parties as possible. We have also to remember that in a spirit of mutual co-operation and help both the money-lenders and the agriculturists can be saved from the direct attack on the very system of which both of us are limbs.

Khan Bahadur Hafiz Hidayat Husain : Sir, with your permission I will deal very briefly with few of the principles contained in these Bills sharing the hope of other honourable members who have preceded me, that when all the three Bills emerge from the select committee it may be claimed for them that they meet the requirements of the agricultural community of these provinces, in howsoever humble a measure.

The Hon'ble the President : I would request honourable members to keep to their seats till His Excellency has left.

ADDRESS BY HIS EXCELLENCY THE GOVERNOR.

Speech by His Excellency Captain Nawab Sir Muhammad Ahmad Sa'id Khan, K.C.S.I., K.C.I.E., M.B.E., Governor of the United Provinces of Agra and Oudh at a meeting of the Legislative Council, Naini Tal, on the 5th July, 1933.

Mr. President and members of the legislature :

After having attended practically every session of this Council for over twelve years, the present was the first occasion when, while still being in this Province, I found it impossible to do so; and you can well understand how genuine was my regret at missing my old colleagues and friends here and how anxious I was to get some opportunity of meeting you again. But I hesitated, because it was only last March that His Excellency Sir Malcolm Hailey addressed you. I was in this dubious frame of mind when my honourable colleague, the Leader of the House, informed me that my strong desire to meet you had found an echo in the minds of my friends who too had expressed a wish that I should come and address them. I was, therefore, not slow to seize this opportunity of meeting you once again and it affords me a real

H. E. the Governor.]

pleasure to come here today for, as you know, the Legislative Council has become a part of my existence.

In his last address to you, His Excellency Sir Malcolm Hailey made a detailed survey of the economic conditions of the Province and of the remedies that Government propose to adopt to meet them. He also made a masterly analysis of the political situation and of the proposals for new reforms contained in the White Paper. I will not try to cover the same ground that was traversed by him, but will content myself with a brief survey of subsequent developments.

The economic condition in the rural areas is unfortunately still unsatisfactory, but there is a prospect of better things close ahead. Times have been bad and the financial reserves of the people have been depleted; but the power of resistance to adverse conditions has proved surprisingly strong. Signs are not wanting that the situation is improving and that we have now turned the corner. The figures of prices show a very welcome rise, except for *gur*; in fact the price of wheat is approaching the pre-war level. The price of *gur* is still low, but it should improve with the increase in the number of factories. The new scheme for adjustment of rent and revenue mentioned by Sir Malcolm Hailey is now nearly ready, and will shortly be placed before the Rent and Revenue Committee for its consideration and for such suggestions as it may wish to make. Besides this, Government have adopted other important measures to relieve agriculturists of part of the load of debt which has been much increased by the recent depression. The Agriculturists' Relief Bill, the Reduction of Interest Bill, and the Usurious Loans (United Provinces Amendment) Bill are now before you.

My Government have heard with regret of the floods in the north-west of the Province. The first news of the calamity given in the newspapers was alarming, but fortunately reports have since been received which show that the first accounts painted the picture in too dark colours. In the Moradabad area only eight villages have been seriously affected and there has been no loss of human life. No proposals for relief have yet reached my Government, but when they come the relief required will be given.

Turning now for a moment to the political situation, I wish to remind you of the speech which Sir Malcom Hailey made to you in March last. He pointed out the issues involved, stated the arguments which could be used both for and against these proposals and asked you to weigh them carefully and form your own opinion upon each. This, I doubt not, you have already done and I am sure that in so doing you have come to realize the true scope and implications of the scheme embodied in the White Paper more fully than many of its critics who have contented themselves with wholesale condemnation. I do not propose to say more about the White Paper at this stage, since the subject has now passed out of the hands of this Government, and is being dealt with by a Joint Select Committee of Parliament aided by a body of Indian delegates. I know that you will all join with me in expressing the most sincere hope that their deliberations may be guided by Divine Providence to a happy and appropriate issue.

But if progress in the framing of the new constitution may have appeared to some ardent spirits a trifle slow, I am glad to be able to point to more rapid developments in our domestic politics. The Civil Disobedience Movement which last March, though less vigorous, was nevertheless active throughout the greater part of the Province, has since then shown a steady decline. The monthly total of convictions for political offences dropped gradually until it stopped in the month of June. This last development is due no doubt to the suspension of the Civil Disobedience Movement, announced on 10th May, for a period of 12 weeks which is in itself, I trust, a sign that more moderate counsels are beginning to prevail.

In short, gentlemen, for the moment the political situation is calm. It is my earnest prayer that long may it continue so. I appeal with all my heart to my countrymen not to take decisions which may again lead to bitter political strife and to much avoidable suffering. Surely there has been enough of tumult and contention. Is it not time that we turned our energies to the solution of the many and complex problems that confront us? Ere long India will have a new constitution with a largely increased electorate. I venture to think that the success of the impending reforms will depend to a great extent on the proper training of the new electorate in their enlarged responsibilities. I have an imperishable faith in the destinies of my country and in the capacity of my countrymen for ordered self-government. But I am not unmindful of the grave dangers of misdirected mass movements, especially when they assume an economic garb. The need for organizing the voters in the methods and practice of constitutional action was never more urgent than it is today. The task is surely big enough to demand all our efforts. With good will and with co-operation among races and creeds and classes we can take a big stride forward on the road to complete self-government. Let us avoid decisions and policies which may land us in barren confusion. There is no need to brood over the incidents of the recent past, of the opportunities missed and of the wrong turns taken. Let the dead past bury its dead. Let us fix our gaze on the future and let us take a firm resolve to make the best of the reforms that are coming. If we do, then our India, in the words of the poet Tennyson, "will rise on stepping stones—of its dead self to higher things." I have no doubt that you, as the elected representatives of the people, will use every effort to pave the way for the smooth working of the new constitution and to turn the minds of men, weary of strife, towards constructive effort.

I have in conclusion to make an announcement which is of immediate concern to you. Under the operation of section 72B of the Government of India Act the term of your Council would expire on 17th November, 1933. If I had not intended to extend the life of the Council it would have been necessary for me to dissolve it in time to enable a general election to be held. However, as you are aware, His Majesty's Government are pressing forward with their plans for a federal constitution in India, and a new Council which would meet for the first time at the end of this year or early next year might have a short life. I feel that the expenditure of energy and money which a general election entails both on Government and on candidates would hardly be justified in these circumstances. I have therefore decided not to

H. E. the Governor)

dissolve the Council or to hold a general election this year. I do not at the moment desire to take any formal steps under section 72B(1)(b) of the Government of India Act for the issue of a notification in the official gazette regarding the extension of the life of the Council, but I shall of course consider the propriety of issuing such a notification before the ordinary period of the three years' life of the present Council elapses.

THE UNITED PROVINCES REDUCTION OF INTEREST BILL

THE USURIOUS LOANS (UNITED PROVINCES AMENDMENT) BILL

THE UNITED PROVINCES AGRICULTURISTS' RELIEF BILL

Khan Bahadur Hafiz Hidayat Husain : I admit that the question of relief of the agricultural classes in these provinces is one which is beset with stupendous difficulties and complications, and therefore the agricultural community of these provinces has every reason to be indebted to the Hon'ble the Finance Member for having come forward boldly with these measures to ameliorate their condition. But at the same time I must say, and this has been pointed out by various other previous speakers, that these Bills do not go far enough. On the contrary there are some weak spots which have been ignored. I hope therefore that the Government will probe these immediately and will not fail to apply the knife so that substantial relief may be afforded to the agricultural community as a whole. Let me elucidate my point. Firstly, is there any reason why these measures which are meant to ameliorate the condition of the agricultural community as a whole should ignore all those zamindars who have the qualification of becoming members of the Agra Province Zamindars' Association. In the provinces of Agra and Oudh there are scores of zamindars paying a land revenue of and over Rs.5,000 who are in equal and immediate need of relief from the clutches of the money-lending community, and therefore the Government would be earning the gratitude of the agricultural community of the Province if it would consent to extend the scope of these Bills to the entire zamindar community irrespective of what land revenue individual members pay. When I say this I do not mean to suggest that relief might be given to all zamindars in a summary way. For example, there are numerous difficulties attending the redemption of the mortgage of a property belonging to a big zamindar, or a Taluqadari estate but there are no such difficulties in the case of small estates. So I submit that the benefit of these Bills should be extended to all zamindars irrespective of the amount of land revenue they pay. Again, when a zamindar pays income-tax, there is no reason whatever why relief should not be given to him on the same lines as to other zamindars merely because he pays income tax on an income of say Rs.1,000 a year. My third point. In the Tenancy Act, before the year 1901, power was given to the tenants to mortgage their holdings. In 1901, however, when the Tenancy Act was passed, this power was taken away from them, more for the reason that the tenants were found to have abused this power. Sir, I find it rather difficult to see how this power could be

revived. My fourth point. Suppose it could, and the mortgage banks and the co-operative societies could take the mortgage of holdings, who would redeem those mortgages. Suppose a tenant dies heirless. Is it equitable that the zamindar who is entitled to succeed to that tenancy by the rule of escheat, because the tenant has died heirless should, for nothing, have to redeem the mortgage and pay for the tenant which he would not otherwise pay. In such cases the power and right of the zamindar should be protected.

The last point that I want to urge is that, although all of us are anxious to give as much relief to the agricultural class as possible, I do not share the view that money-lending classes as a whole should be wiped out. Money-lending class has been of some considerable assistance to the agricultural classes in times of their need. Therefore in the consideration of these Bills we ought to be equitable both to the agricultural community and the money-lending class. Before steps are taken to wipe them out, mortgage banks or co-operative societies which could advance money in order to ensure credit and prevent deterioration in security should be established. We must, however, place certain restrictions on the activities of the money-lenders, for instance, we should make a rule that the ordinary money-lender should submit monthly, half-yearly or yearly accounts, and be amenable to other disciplinary action. Their helpfulness in times of stress and need of the agricultural community should not be ignored. These are the few observations that I wish to make at this stage.

Raja Jagannath Bakhsh Singh : Sir, I congratulate the Government for having brought out these very useful measures which are expected to go a long way in assisting the agriculturist in future. I have just one or two points to mention regarding these Bills. I quite realize that the debate has been going on for a long time and it is, therefore, unnecessary to repeat again what has already been said. For this reason I did not intend to rise at all, but it has been suggested to me that I should make a few observations. I crave your permission, Sir, to do so.

So far as I have thought over this question, I would like—as I mentioned when the matter came before the Council some time ago—these Bills to be protective and not prohibitive. I find it is not easy to draw a line where the Bill will exceed the limit of protectiveness and enter the prohibitive zone. I realize that this is a very complicated point which has to be threshed out by the committee and later by the House when the matter comes up before it for final consideration. I may just say, to elucidate my point a little further, that it is certainly in the interest of the development of agriculture to assist the agriculturist in securing capital for industry. But I do feel that if we take such measures as will scare away capital progress may be marred. I have been thinking over this question carefully and the best means that I find is that the Government should take some steps to assist the agriculturist by money. I agree with the honourable member for Partabgarh, when he yesterday pointed out to the Government, the necessity of borrowing money at a cheaper rate and lending it to the cultivator at a little higher rate. I think this is the best way of

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assisting the agriculturist in relieving him of his burden. There are two ways of protecting the cultivator or the agriculturist, one by reducing the rate of interest by competition and the other by legislation. If we only adopt the latter course there is a likely danger that capital may be prohibited, which may bring results which are not at all contemplated at this time. On the other hand if there is some way to create competition I think the rate of interest can be brought down easily. I should, therefore, think that the committee to which these three measures are being referred to will carefully go into these points. I should, therefore, think that it is necessary that the committee should go into the question as to how far they can make these measures protective and should suggest to the Government that the rate of interest and the advancement of smaller loans to the agriculturists should be made easy by means of competition and legislation. When I use the word competition, I see no other way of setting up competition against the money-lender of the present day except that the Government should become a money-lender in some form. If not directly the Government can start agricultural banks which were suggested long ago and thus relieve the agriculturist of his requirements of money and capital and also reduce interest by such legislation. I do not say that legislation is not necessary at all. I do realize the necessity of legislation in this matter but I think that competition should be the primary object of the Government and legislation secondary. Now, Sir, the second point that I wish to raise is regarding the definition of the agriculturist as contained in these measures. I quite agree with the speakers who have said that the definition of the agriculturist is rather limited. I do not say that if the definition is enlarged, it will only be the land-owner who will get into it. No. So far as the conditions exist at the present moment, I think from some time past there has been a great pressure on the agriculturist. In these days of acute unemployment people have found that agriculture in its very crude form as it is practised at the present time, is the only profession for the largest part of the population to enter into. It is not only the land-owner who has now got into it more and more, but I also know that the capitalists who are not land-owners are taking to agriculture more and more. Not only the capitalists alone, but I think that government servants are also considering to enter into agricultural occupation after they retire from service. Thus, it is not the land-owner only who would benefit if the limit of the definition of agriculturist is enlarged. I do not wish to bring the name of the land-owner every time in this House like King Charles' head, but I cannot avoid his name because he is so much concerned with the day to day life of this Province that no speaker on agricultural matters could possibly avoid the land-owner or his part in the discussion. My chief object in enlarging the definition of the agriculturist is to provide that relief should be given to the large farmer as readily as to the small farmer. Obviously, when one thinks of assistance, first of all his mind is directed towards the poor and less resourceful person. That should not be the object of these measures: because if by these measures it is intended to assist the development of agriculture at all, I can say without fear of contradiction that a large farmer will play a greater part in the agriculture

of the future. How? The agriculturist is a shy person in agricultural development. The relief that is given for the development of agriculture is intended to encourage the agriculturist in enhancing his produce. There are only two ways of convincing an agriculturist to resort to modern methods of agriculture. Firstly, by means of assistance by capital and secondly, by means of demonstration. For the last 25 years that I have been an agriculturist I know that Government have spent large sums of money in demonstrating several modern ways of cultivation whereby to increase the produce. But can Government say that the result has been satisfactory. Have the average agriculturists been convinced of the utility of the demonstrations that have been made from day to day? I do not think that Government have ever contended in this House or outside the House that the result of their demonstrations has been as satisfactory as they expected it to be. What is the cause of this? I do agree that the cause, to a great extent, is the poverty of the cultivator; but at the same time, Sir, there is no doubt that the cultivator looks for such lead from those whom he considers the leaders in that profession. If bigger farmers adopt certain modern methods of cultivation and carry them on amidst their poorer brethren, the possibility of encouraging the smaller cultivator is much greater than by merely giving assistance in capital. Thus the necessity of assisting the large farmer is not secondary as far as the development of agriculture is concerned, and when we agree to the necessity of developing large farms in the rural areas, the assistance in capital is no less required in that case than in the case of small farms. I think that so far as these three measures are before us in their primary stage, this point has been at least overlooked. The definition of the agriculturist, as I have pointed out before, is very limited and if this provision is not modified duly, the result that is expected to be obtained may be far distant. I do not wish to take more time of the House in speaking over these measures, for it is likely that I may be one of the members of the select committee and I may be given an opportunity of expressing my opinion in more detail in the committee than at the present time. However, even if I am not there, I will get the final opportunity of bringing this point before the House. I will therefore content myself with the observations that I have made, in supporting the reference to the select committee of these Bills.

Khan Bahadur Haji Muhammad Obaidur Rahman Khan: I move a closure.

The Hon'ble the President: The question is that the question be now put.

The question was put and agreed to.

The Hon'ble the President: I take it that there is going to be no amendment on the motions moved.

The Hon'ble the Finance Member: There is a well-known prayer "give us light in our darkness, we beseech Thee, oh Lord," that applies not only to this room, but also to the various questions before us. It is quite obvious from the speeches that have been made that we shall require all the light that anybody can shed on our darkness. I should like to begin by thanking the many speakers for what they said about my part in this matter. I have the greatest respect and

The Hon'ble the Finance Member]

affection for the Indian cultivator and if there is anything that I can do for him, it will be done gladly. Consequently I deserve no thanks. That clever old publicist opposite me made various suggestions. I do not know if he has the power of thought-reading, but if he has not, he has guessed very accurately what is already in my mind. He referred to a land mortgage bank. I have had that file on my table since, I think, the second day after I returned from leave, about the 2nd of January and I have always funk'd looking at it. For it is an enormous question which involves large sums of money; and also it seemed to me that we had better get on with what can be done fairly rapidly than spend time on a question like that which requires very full consideration. I certainly have not overlooked it; indeed, I often look at the file, and shudder with horror. But now that we have got to the present stage, it is quite obvious that I shall have to look into it too. What I shall find inside I do not know, but of one thing I am perfectly certain that I shall not find any money there. The other suggestion he put to me was based on one of Mr. Gokhale's speeches. I have heard Mr. Gokhale speak and he was the finest orator I have ever heard. The solution which he propounded through the mouth of his disciple sounds attractive and from what I gathered of its details I should say it was not impossible. I should like to consider it and I will ask my friend opposite to assist me to do it by lending me the book. For the rest I do not think I need refer to any particular points. Many have been made and all of them will have to be considered by the select committee. All I have got to say now is that the time has come to stop talking and get to action. We have said much. We have written up an enormous mass of material on this subject. Now we had better get to work and see what we can do to turn it in to practical effect. There is one point I should like to mention because it is of some importance. There are still some particular interests which are not represented on this committee; and unless we are going to turn this into a committee of the whole House, I do not see how we can very well manage to bring them all in. But I may remind the House of a certain Standing Order which lays down that "a select committee may hear expert evidence and representatives of special interests affected by the measure before them." I do not suppose that in the past much use has been made of this order. But I would certainly recommend to the committee that they should on this occasion make use of it. There are for instance the eastern districts that want to have their say; and as I know from experience their problems are not entirely the same as those of others. There is Kumaun. Kumaun has problems entirely of its own and only a Kumauni can tell us about them. These are the two that I can think of at the moment. There are also the money-lenders, especially the agriculturist money-lenders who will want to have their say; and so far as I know they are not represented on the committee. I think that we can make up for the lack of such representation on the committee by the use of this Standing Order and I certainly recommend that this should be done. Finally, I must thank the House for the way in which they have taken these measures and I hope that we shall be able to turn out something of lasting benefit to the person for whose benefit they are designed, the United Provinces cultivator.

THE UNITED PROVINCES REDUCTION OF INTEREST BILL THE 439
 USURIOUS LOANS (UNITED PROVINCES AMENDMENT) BILL
 THE UNITED PROVINCES AGRICULTURISTS' RELIEF BILL

The Hon'ble the President: The question is that each of the three Bills, viz. the United Provinces Reduction of Interest Bill, the Usurious Loans (United Provinces Amendment) Bill, and the United Provinces Agriculturists' Relief Bill be referred to a Select Committee consisting of 21 members including the Chairman and that for this Select Committee the following members be elected:

Mr. C. Y. Chintamani.

Raja Jagannath Bakhsh Singh.

Khan Bahadur Hafiz Hidayat Husain.

Khan Bahadur Maulvi Muhammad Obaidur Rahman Khan.

Khan Bahadur Maulvi Fasih-ud-din.

Rai Bahadur Babu Vikramajit Singh.

Pandit Joti Prasad Upadhyaya

Rai Rajeshwar Bali.

Captain Nawab Muhammad Jamshed Ali Khan.

Saiyid Yusuf Ali.

Rai Sahib Sahu Jwala Saran Kothiwala,

Mr. Brijnandan Lal.

Rai Bahadur Babu Phul Chand Mogha.

Mr. H. A. Lane.

Chaudhri Muhammad Ali.

Rao Bahadur Kunwar Sardar Singh.

Rao Bahadur Thakur Pratapbhan Singh.

Raja Saiyid Ahmad Ali Khan Alavi.

Babu Ram Bahadur Saxena.

Mr. Zahur Ahmad.

The question was put and agreed to.

A BILL TO AMEND THE UNITED PROVINCES MUNICIPAL-
 ITIES ACT, II OF 1916

The Hon'ble the Minister for Local-Self Government: Sir, I beg to introduce a Bill to amend the United Provinces Municipalities Act, II of 1916. In doing so it is hardly necessary for me to inflict any speech at all. Honourable members are aware that ingenious, amusing and painful methods are resorted to by the chairmen to make delay in taking up the motion of non-confidence against them. No words are needed to support the view that it is highly desirable that this state of condition should be stopped and that when there is a motion of non-confidence against the chairman of a board that board should be given a fair opportunity of bringing up the motion of non-confidence on the chairman and the chairman should be bound

Mr. C. Y. Chintamani: On what motion is the Hon'ble Minister making a statement? We have not been able to understand?

The Hon'ble the President : Has the Hon'ble Minister made any subsequent motion ?

The Hon'ble the Minister for Local Self-Government : No, Sir.

The Hon'ble the President : In introducing the Bill he is making a brief explanatory statement.

The Hon'ble the Minister for Local Self-Government : Sir, I have been submitting that it is highly desirable that when a chairman does not enjoy the confidence of the majority in the board it is only fair, if he is not inclined to bring up a motion like that, that he should be compelled to do so. I should also like to make a remark with regard to the Statement of the Objects and Reasons of this Bill. I should like to make this clear at once that I do not stand committed to the word "complementary" used in the Statement of Objects and Reasons. If the other Bill which is sponsored by Mr. Shyam Lal does not go through I hold that there will still be necessary to introduce this Bill independently and I will certainly try to see it through. I do think that this is a very wholesome measure and must be seen through at an early date.

Mr. C. Y. Chintamani : I wanted to draw attention to the Statement of Objects and Reasons in which it was said that this Bill should be considered as complementary to the private Bill now before the House, but as the Hon'ble Minister has made an explanation to show that it was by inadvertence that that sentence found a place in the Statement of Objects and Reasons I would not pursue the matter. I hope that when in future such formal Statements of Objects and Reasons are drawn, greater care will be exercised.

The Hon'ble the Minister for Local Self-Government : Sir, with your permission, instead of moving the motion that the Bill be taken into consideration, I wish to move that the Bill be referred to a select committee.

The Hon'ble the President : Of course, the Hon'ble Minister is within his rights in moving that motion, but it would have been better if a regular previous notice had been given to the House.

The Hon'ble the Minister for Local Self-Government : I regret very much, Sir.

I beg to move that the Bill to amend the United Provinces Municipalities Act, II of 1916, be referred to a select committee and that for this select committee the following be elected :

1. Babu Kamta Nath Saksena.
2. Rao Narsingh Rao.
3. Chaudhri Dhirya Singh.
4. Mr. Zahur Ahmad.
5. Rai Bahadur Mr. P. C. Mogha.
6. Mr. Bhondu Ram.
7. Mr. Jagarnath.
8. Pandit Joti Prasad Upadhyaya.
9. Thakur Balwant Singh Gahlot.
10. Mr. P. Mason.

A BILL TO AMEND THE UNITED PROVINCES MUNICIPALITIES ACT, 441
II OF 1916

The Hon'ble the President: Is there any amendment to this motion?

(No amendment was proposed.)

The question is that the Bill to amend the United Provinces Municipalities Act, II of 1916, be referred to a select committee and that for the select committee the following be elected :

1. Babu Kamta Nath Saksena.
2. Rao Narsingh Rao.
3. Chaudhri Dhira Singh.
4. Mr. Zahur Ahmad.
5. Rai Bahadur Mr. P. C. Mogha.
6. Mr. Bhondur Ram.
7. Mr. Jagarnath.
8. Pandit Joti Prasad Upadhyaya.
9. Thakur Balwant Singh Gahlot.
10. Mr. P. Mason.

Khan Bahadur Hafiz Hidayat Husain: I propose the name of Mr. Ahmad Shah.

The Hon'ble the President: I asked if there was any amendment to the motion moved by the Hon'ble Minister, but nobody rose in his seat. It is too late now.

The question was put and agreed to.

(At this stage the Council adjourned for lunch at 12.55 p.m.)

After recess the House re-assembled at 2 p.m. with the Hon'ble the President in the Chair.

ELECTION OF A NON-OFFICIAL TO SERVE ON THE ADVISORY
COMMITTEE OF THE HARCOURT BUTLER TECHNOLOGICAL
INSTITUTE, CAWNPORE

The Hon'ble the Minister for Education: Sir, I beg to move that the Legislative Council do elect in such manner and on such date as may be directed by you, Sir, one non-official member to serve on the Advisory Committee of the Harcourt Butler Technological Institute, Cawnpore.

The Hon'ble the President: The question is that the Council do elect in such manner and on such date as may be directed by the President one non-official member to serve on the Advisory Committee of the Harcourt Butler Technological Institute, Cawnpore.

The question was put and agreed to.

Khan Bahadur Syed Jafer Hosain: I propose the name of Khan Bahadur Hadiyar Khan.

Khan Bahadur Hafiz Hidayat Husain: I propose the name of Rai Bahadur Babu Vikramajit Singh.

Rai Bahadur Babu Vikramajit Singh : Sir, I beg to withdraw.

The Hon'ble the President : The name of Khan Bahadur Hadiyar Khan has been proposed by Khan Bahadur Jafer Hosain. Is that seconded by anybody?

Rai Bahadur Mr. Brij Lal Badhwar : I second it.

Pandit Brahma Dat Bajpai alias Bhaiya Sahib : I propose the name of Kunwar Jagbhan Singh.

Thakur Giriraj Singh : I second it.

Khan Bahadur Maulvi Muhammad Obaidur Rahman Khan : I propose the name of Rai Bahadur Awadh Bihari Lal.

Shah Nazar Husain : I second it.

The Hon'ble the President : Is there going to be any withdrawal out of these three names proposed?

(No withdrawal* was made and the election was proceeded with).

The Hon'ble the President : Before I take up the next item, there is just a small matter on which I should like the advice of my Muslim friends. Some Muslim friends tell me that Barawafat comes off tomorrow, while others are equally insistent that Barawafat falls day after tomorrow. Naturally I am in a fix to decide whether the Council should be off tomorrow or the day after. Supposing the day's business is not over today, as it is very likely it may not be. We cannot have both the days as holidays—tomorrow as well as day after tomorrow. Will my Muslim friends tell me after discussing amongst themselves when they want the Council to be off—tomorrow or day after tomorrow, in case a further sitting be necessary.

Khan Bahadur Maulvi Fasih-ud-din : Sir, it is tomorrow.

The Hon'ble the President : I cannot have the discussion here. Will the honourable members discuss amongst themselves and then let me know their decision.

RECOMMITTAL TO SELECT COMMITTEE OF THE KUMAUN TENANCY (JURISDICTION AND PROCEDURE) BILL.

The Hon'ble the Finance Member : I move (1) that the Kumaun Tenancy (Jurisdiction and Procedure) Bill be recommitted to the select committee, without limitation, and (2) that Rai Bahadur Babu Phul Chand Mogha's name be substituted on the select committee for that of Mr. J. R. W. Bennett.

The Hon'ble the President : The question is that (1) the Kumaun Tenancy (Jurisdiction and Procedure) Bill be recommitted to the select committee, without limitation, and (2) that Rai Bahadur Babu Phul Chand Mogha's name be substituted on the select committee for that of Mr. J. R. W. Bennett.

The question was put and agreed to.

* Results announced at page 462 *infra*.

THE UNITED PROVINCES COURT OF WARDS (AMENDMENT) BILL

The Hon'ble the President: We had disposed of clauses 1 and 2 before. We shall now take up clause 3. I notice that on the agenda paper there are still a series of amendments in the name of Mr. Chintamani and Raja Jagannath Bakhsh Singh in respect of this clause, but I will give an opportunity first to the Hon'ble the Finance Member to improve his own Bill.

CLAUSE 3

3 For section 5 of the United Provinces Court of Wards Act, *Amendment of section IV of 1912, the following section shall be substituted, namely:*
5 of United Provinces Act, IV of 1912

The authority vested in the Court of Wards shall be subject to *Control of the local Government.* the control of the local Government in the following matters:

- (a) the assumption of superintendence of person or property;
- (b) the release of person or property from such superintendence;

(c) any matter of importance or policy in which there is disagreement between the President and a majority of the other members of the Court of Wards, or which a majority of the Court of Wards desire to refer to the local Government, and which the President refers to the local Government for their decision.

The Hon'ble the Finance Member: I move, Sir, that for section 5(c) the following be substituted:

"5 c). Any of the following matters which the President refers to the local Government for their decision:

(i) Appointment to any post on a salary of Rs.500, or more, and transfer, reduction, removal or dismissal of a servant of the Court of Wards drawing a salary of Rs.500 or more.

(ii) Budgets of estates of which the income is Rs. 50,000 or more.

(iii) All proposals for the sale or purchase on behalf of an estate under its superintendence of property whether movable or immovable for more than Rs.10,000, and all proposals for contracting a loan of more than Rs.20,000.

(iv) All questions under section 25 relating to the sums to be allowed for the expenses of any ward and of his family and dependents, if the sum involved is not less than Rs.1,200 recurring or Rs.5,000 non-recurring.

Such reference may be made by the President at his own discretion and shall be made if a majority of the other members of the Court of Wards so request.

If upon such reference the local Government take a provisional view which is not in accordance with the view of the majority of the members of the Court of Wards, the local Government shall state their provisional view to the Court of Wards, and shall, before coming

[The Hon'ble the Home Member]

to a final decision, consider any criticism which the Court of Wards may make."

I have only one small verbal alteration to suggest there. I think the word "comment" would read better than "criticism".

The Hon'ble the President : Is the honourable member moving an amendment to his own amendment?

The Hon'ble the Finance Member : This is an amendment to clause 5(c).

The Hon'ble the President : The word "comment" for "criticism"?

The Hon'ble the Finance Member : That is a verbal amendment and can be made later with other verbal changes.

Mr. C. Y. Chintamani : Sir, there is an amendment of mine standing over from the last session numbered 23 in the order paper. It is also an amendment to clause 5(c). For the convenience of honourable members. I shall read the amendment as it stood. It runs thus "5(c). Delete all words after the first paragraph and insert the following words 'any matter of importance may be referred to the local Government by the President at the instance of the Court and the Government shall decide such matter.'" Now, however, Sir, in view of the amendment which the Hon'ble the Finance Member has moved I would ask your permission to move my amendment in a modified form as an amendment to his amendment. Before you give your decision, Sir, I should like to indicate what the amendment is. In the second paragraph of the hon'ble the Finance Member's amendment, namely, "such reference may be made by the President at his own discretion and shall be made if a majority of the other members of the Court of Wards so request," my amendment will be to delete the words "may be made by the President at his own discretion and" and the word "other" in "if a majority of the other members"

If I have your permission, Sir, I will move my amendment.

The Hon'ble the President : Yes.

Mr. C. Y. Chintamani : In moving this amendment I think it will be convenient—not only will it save the time of the House but I think it will facilitate discussion—if I state what is at the bottom of the amendment that I originally gave notice of and the amendment which I now move to the Hon'ble the Finance Member's amendment. We have to go back to the fundamental concept of this measure. As the discussion has stood over since March last I think it will not be a waste of time if I state in a few words what has led to this Court of Wards Bill and why there has been a certain difference of opinion between the Government and ourselves with regard to some provisions of the Bill. I think it was my noble friend to the left who took the initiative in pressing the Government to bring forward an amending measure so that in the administration of the wards' estates in this province it should be the representatives of the zamindars themselves who should have a determining voice and not the officials who are called the Court of Wards, a body subordinate to the Government of the province. It was this demand which led to the

appointment of what is known as the McNair Committee. It was the desire, then, of the landlords to be placed in a position to look after wards' estates that led to subsequent discussion in this House and to the introduction of this Bill. But on reading the whole of this Bill it has struck me, as it has struck others, that the measure does not fulfil its avowed purpose, that it gives to the landlords the opportunity of being represented in the Court of Wards through members of their own class elected by their accredited organizations; but while doing this the Bill leaves to the Government the final say in nearly every important matter. The President is to be appointed by the Governor, the secretary is to be appointed by the Governor or the Government, the Government are to have the final voice in respect of the assumption of an estate by the Court of Wards or the release of control of the person or property of a ward, and in other matters the President may go to the Government at any time if he is not satisfied with the decision of the Court of Wards. Comparing a small thing with a big thing it has appeared to me that the authors of the Court of Wards Bill followed closely, by anticipation it might be, the lines of the White Paper on constitutional reforms where all the forms of constitutionalism and deference to public opinion have been conceded but the substance of power has been retained in the hands of the Government. Certainly I never wanted a measure of this description and I think I voice the opinion of my landlord friends when I state that they wanted a real opportunity of looking after wards' estates, not merely a formal Court of Wards in which the officials had the final say in all matters. For this reason I gave notice of the amendment that the President should not be at liberty to make a reference to the Government whenever he wanted to do so by disagreeing with the Court of Wards but that he should only be empowered to make such reference when a majority of the members of the Court of Wards wanted him to do so. I do not now press my original amendment in view of the length to which the Hon'ble the Finance Member, ably assisted by the Revenue Secretary, has travelled in our direction to meet our wishes. In the same spirit which informs the Hon'ble the Finance Member's amendment I move this amendment to his amendment to restrict the power of the President to make a reference to the Government when he disagrees with the opinion of the Court of Wards to only those cases where he is able to persuade the court that the matter is important enough for a reference to be made to the Government in spite of the decision of the court in a contrary sense and that action on the decision of a majority of the members should be deferred until the Government's opinion also is obtained. If the Government's opinion happens to be in disagreement with that of the Court of Wards the court will be given a further opportunity of stating why in its opinion Government's decision should not be given effect to, and it will state its reasons. The Hon'ble the Finance Member's amendment goes a long way in meeting our wishes by restricting the scope of the President's power to make a reference to Government and by giving a second opportunity to the court to state the reasons why Government's opinion should be reconsidered. If my amendment to the Hon'ble the Finance Member's amendment should find favour with the Government and the Council I think the last objection will disappear and the Court of Wards Bill will serve its avowed purpose still better than in the absence of this amendment.

[Mr C. Y. Chintamani]

At this moment I shall refer to what I believe to be the strongest objection of the Hon'ble the Finance Member to my amendment. Here again I must go back to what I call the fundamental concept of this measure. I shall not be surprised if the Hon'ble the Finance Member thinks that the Government cannot divest itself of its position as the legal guardian of the wards whose estates are taken under the Court of Wards and for this reason the President should have the opportunity of making a reference to it whenever he thinks that the decision of the Court of Wards is of such a nature that such reference should be made. I do not accept that fundamental concept of the matter. I think that there is nothing moral or legal either to require or justify the assumption that in all circumstances Government must be regarded as the legal guardian of the wards. When once by legislative authority the Court of Wards is vested with the responsibility and endowed with the power requisite for the discharge of such responsibility it should be regarded as the legal guardian of the estates taken under its control, and not the Government. The latter should be treated as an external authority—certainly external to the Court of Wards. Having regard to the composition of the future Court of Wards I submit that there is no reason why the view I have ventured to state of what should be the fundamental concept of the measure should not be accepted by Government. The new Court of Wards will not be an irresponsible private organization not amenable to law and opinion. That body will be the creature of an Act of the legislature, an Act passed by this House and assented to by the Governor and the Governor General. The members who will compose the Court of Wards will not be persons chosen haphazard, but persons duly elected in accordance with rules made in that behalf by the principal organizations of landlords in these provinces, organizations whose representative character has been accepted by Government, organizations to which importance has been conceded by Government in view of such acceptance of their character as the spokesmen of the landlords. Even their subscriptions are realized under cover of Acts of the legislature; arrears of subscriptions are realized by district officers as if they were arrears of land revenue. Well, if the two associations are considered to be good enough and important enough to deserve such extraordinary concessions from the Government and the Legislature, if they are considered to be good enough and important enough to be recognized as constituencies for the purposes of election to the legislature—one of them has been recognized, the other is struggling to be recognized, I hope it will not succeed—if these organizations are good enough and important enough to secure official and legislative recognition for important purposes in the manner I have indicated, it follows as a matter of course that they surely are good enough and representative enough to be recognized for the purposes of the management of the estates of wards, wards who themselves are members of those organizations. If they are minors still, they are paying subscriptions all the same and will become full members when they are not minors, but if they are not minors they are full members already. Does it stand to reason then that the external authority (the Government) should be believed to be more vitally interested in the preservation and in the improvement

of the estates, in the conservation of their property and in the guardianship of the person who is the owner of the estate than the Court of Wards, which is a body of landlords representative of bigger bodies of landlords? I submit not. Therefore, I do not share the Hon'ble the Finance Member's opinion, if that should be his opinion—I anticipate it is, otherwise I cannot understand some of the provisions of the Bill—that the Government can only delegate its authority to the Court of Wards, but cannot divest itself of its responsibility and therefore of its authority. My concept of the new Court of Wards is that it will be the fit and proper body to be recognized as the legal guardian of all the wards whose estates are under its control. My amendment as it stood originally on the order paper naturally follows from that concept. The Hon'ble the Finance Member may tell me one more thing in reply. He may tell me that at present the Court of Wards, grandiloquent as may be its name, is only one individual just as until the year 1921, the full phrase "Government of the United Provinces of Agra and Oudh" connoted no more than the single individual who at the time happened to be the honorary tenant of Government House, and that from this conception of the Court of Wards, which is now the fact, it is a great distance to travel forward to recognize a legally constituted representative Court of Wards, invested with certain powers. That it is the first big step taken on the new road is the reason why he asks us to allow this experiment to be tried, to see how it works for the next few years, and then as a matter of very easy course to seek to insert amendments in the Act to enlarge the powers of the Court of Wards and proportionately to curtail the powers of the Government and of the President, and in the end to achieve the full purpose we have in view. In other words, he wants us to recognize the well-known principle of graduality in this matter. I have no objection in the abstract to recognize the principle of graduality, while in the concrete we may not subscribe to that principle in certain cases. I am compelled by the sheer fact of my political helplessness to submit to that argument of graduality. But I submit that even those who insist on that principle need not press it too far and that in comparatively small matters they may allow progress to be less slow than their inclination and nature may ordinarily put up with. After all, what we ask for is simply this, that the estates of the zamindars which are under the control of the Court of Wards should be managed by the Court of Wards as if it were the finally responsible authority and not on the footing that it should exercise only delegated powers by sufferance of an external authority. I hope that the Hon'ble the Finance Member will recognize that my argument is not without some force. For my part I can appreciate the point of view from which he looks at the question, as I do not regard him in this or in other matters as a crusted tory who has been compelled to take a step forward. The spirit and temper in which he met my honourable friend to the left and myself on Sunday, when we had an informal discussion which covered the whole area of our amendments, certainly encourages me to believe that his point of view is not very different from ours, and that as in a number of other matters so in this too he will consider with an amount of liberality the proposal that I have now put forward. In these words I submit my amendment for the consideration of the Government and the House.

Raja Jagannath Bakhsh Singh: Sir, in dealing with this amendment I have two points to raise. One is that, with your permission I want to move an amendment to the amendment, and the other is to speak generally on the subject. The amendment that I beg to propose is that sub-clause (iv) of the amendment moved by the Hon'ble Finance Member be deleted

The Hon'ble the President: Which is sub-clause (iv) ?

Raja Jagannath Bakhsh Singh: Sub-clause (iv) reads thus—"All questions under section 25"

The Hon'ble the President: I think in that case the honourable member had better wait till the amendment of Mr. Chintamani is disposed of. He can move his amendment later.

The honourable member can speak on the amendment before the House.

Raja Jagannath Bakhsh Singh: Mr. President, I have always regarded the question of reference to Government as of vital importance. It would be remembered that the present Court of Wards Act was passed into the statute in the year 1912. Since that year up to now great changes have been made in the constitution of this country and of the provinces, but it is well known to the House that the Court of Wards Act remains exactly where it was. Since the reformed Councils were constituted in 1921 people concerned with the affairs of the Courts of Wards have many times brought this matter before the House and advocated that a change in the Court of Wards Act should be made as soon as possible. It were not only the members of the House who raised this point, but there was a general and strong demand outside this House by the general public. I need not detain the House with the past history of this matter. The change that is now being made in the Court of Wards Act, so far as the powers of the committee are concerned, is very closely connected with this amendment. I, therefore, think that this amendment is of considerable importance and that it deserves the exhaustive speech which my honourable friend on the right made on the subject. When this measure came before the House at the last session I had an amendment similar to that read out by the previous speaker. Except for a little difference of wording our amendments were the same and therefore I have not many points to bring forward beyond what he has stated in his speech. But I must clear one point before proceeding further. As the Leader of the House indicated in the March session of the Council when he wanted a postponement of the debate to discuss the measure outside the Council, I along with my friend the previous speaker got an opportunity of meeting the Leader of the House outside the Council and we discussed the matter at great length with him. If I do not now move my amendment which I had previously tabled on the subject, it is in view of the fact that we have arrived at a certain compromise in this matter. But I do not wish to minimize the importance of the matter nor do I modify my opinion that the Court of Wards Committee, if it is to be constituted as an administrative body, should have much more powers than what are being given

by this measure. I remember that the Hon'ble the Finance Member when introducing this measure said that the circumstances in these provinces were such that we were not legislating for a very long time to come and thought that it would be proper to introduce a legislation by which certain administrative powers could be given to the Court of Wards Committee, and then he would give an opportunity to that committee to consider and recommend an increase in those powers. In other words his object was that the political conditions of the country were such that it was not proper to legislate on the subject for a very long time, as possibly some changes may be necessary with the coming changes in the constitution of the country. So it is proper at the present time to make some reforms in the Court of Wards Act and then give power of recommendation to that committee, as well as an opportunity to the future members of this legislature to bring any further amending Bill. So if I yield in my conviction that the powers that should rightly be given to the administrative committee of the Court of Wards may be curtailed at the present time it is on this clear understanding that that committee will be empowered to recommend a change in this measure and that an opportunity of completely reforming this enactment will be afforded to the House in the near future. After giving this explanation, Sir, I do not think it necessary to press on any other point in the amendment moved by the Hon'ble the Finance Member, except the one that I have already mentioned and I shall take it up when the right time comes. At the same time if the amendment moved by the honourable member for Partabgarh is accepted, I certainly would welcome it because if it is passed it will serve the same object which I have in view.

The Hon'ble the President : Do I take it that the honourable member is not going to move his amendment no. (2) ?

Raja Jagannath Bakhsh Singh : I am not going to move that.

The Hon'ble the President : And no. (3) ?

Raja Jagannath Bakhsh Singh : No, Sir.

***Rai Rajeshwar Bali :** Sir, generally it is not necessary for me to enlarge on the remarks made by the Leader of my party; but if I do so, it is to stress the fact that he has correctly stated the zamindars' point of view in this matter. In fact, we the zamindar members of this House, feel grateful to him for his championship of our cause. I entirely agree with the principles which he enunciated a short while ago, namely that in a matter which relates to the zamindar community alone, it is we who should be entrusted with real power to look into the interests of the wards of our community. Sir, there are a number of points in which I should have wished that the Bill had been more progressive; but in view of the very helpful attitude of the Hon'ble the Finance Member, we do not wish to press him on a single matter. The question which is the subject of this amendment moved by my friend on my left is of such a vital nature, that I hope that the Hon'ble the Finance Member will be pleased to accept our request and make the future Court of Wards feel that they have got a real power in the administration. If the provision had been that the President of the Court of Wards would be selected or

[Rai Rajeshwar Bali]

elected by the Court of Wards, perhaps the need of the present amendment would not have arisen; but in view of the fact that the appointment of the President rests entirely with the Government, I think it is a salutary amendment which my honourable friend has moved, and I hope that Hon'ble the Finance Member and the House will accept it.

The Hon'ble the Finance Member: The honourable Rai Rajeshwar Bali has just stated that his Leader explained the position of the zamindars probably better than they could themselves. I am in much the same position and I can make much the same remark. He has also stated *my* position very much better than I could myself. I should like to remind the House of the genesis of this Bill. The McNair Committee were all for a complete re-draft of the whole Act. That idea dropped, for some reason with which I am not acquainted. Then followed Chaudhri Muhammad Ali's resolution, which after some stormy scenes, was ultimately accepted. That was restricted solely to the replacement of the present one-man Court of Wards by a statutory body. Government were all prepared to further that. They did not consider then, and they do not consider now, that it is the last word or the last step. On the contrary it is only the first word and the first step. Before you can fly, you must learn to walk. What we are anxious to do is to put in power over these estates, a body composed of landlords. But it is another matter, at this first stage, to divorce them entirely from Government. The honourable member compared this Bill with the White Paper. As a matter of fact it is one step further back than that. It is much more like a sort of dyarchy, where each side is supposed to want more power than the other. This resolution is very much on the same lines, except that Government in the shape of the president will not, in my opinion, interfere half so much as the reserved, according to the transferred side, interfere with them. We had something of the same kind in the shape of the present Court of Wards, namely the Senior Member of the Board of Revenue, to whom we gave an advisory committee. I have never yet come across a case in which the Senior Member has not taken the advice of the Central Advisory Committee. And I do not see why the President and this proposed Court of Wards should not agree in almost every case. We have to put in the Bill that certain matters shall be referred to Government. But I shall be extremely surprised if there are in practice many such references. I do beg my honourable friend opposite to agree with me that it is better to go slow. There is an old Latin proverb which says "Hasten slowly". The difference between me and him is that he puts the emphasis on "hasten" and I put it on "slowly". Beyond that I believe there is no difference. I do not think that a reference will ever be made by the President except in very rare cases, and certainly the Court of Wards will function in the same way as the present advisory committee. Therefore I hope that my friend will not press his amendment. I have gone a long way to meet him and his friends, and I hope he will come a little way in my direction too.

The Hon'ble the President: The amendment moved was that in paragraph 2 of the proposed new clause 5(c) the following words be deleted "may be made by the President at his own discretion and".

The other amendment proposed was that in this very paragraph the word "other" be deleted.

The question is that in the said paragraph the words "may be made by the President at his own discretion and" stand part.

The question was put and agreed to.

The Hon'ble the President: The question is that the word "other" stand part.

The question was put and agreed to.

Raja Jagannath Bakhsh Singh: I beg to move that sub-clause (d) which runs thus—

"All questions under section 25 relating to the sums to be allowed for the expenses of any ward and of his family and dependents, if the sum involved is not less than Rs.1,200 annually recurring or Rs 5,000 non-recurring."

be deleted.

I understand that the Government have foreseen the strength of the case and would probably be pleased to agree to the deletion of this paragraph. It is, therefore, hardly necessary for me to take the time of the House and I commend this amendment for acceptance of the Council.

The Hon'ble the Finance Member : I put it in because somebody asked me to put it in. I am quite willing to cut it out since somebody else has asked me to take it out. I am quite prepared to accept this.

The Hon'ble the President: The amendment is that paragraph 4 of section 6(i) be deleted. The question is that the said paragraph stand part.

The question was put and negatived.

Rai Bahadur Babu Awadh Bihari Lal: Sir, my amendment is that after sub-section (c) add "(d) the final decision to dispose of the ward's entire property if (1) all debts are not cleared thereby or (2) sufficient property for the maintenance of the ward's family is not saved."

Recently cases have occurred in which the property under the court of wards has deteriorated to such an extent that the whole of it is allotted to creditors and nothing is saved to the wards. Such cases of liquidation are all as important as the assumption by or release of a property from the management of the court of wards. I think such an important matter, should come to the notice of the Government and should be controlled by them if it occurs. This is partly covered by sub-clause (c) proposed by the Hon'ble the Finance Member where restriction is placed on sale of property worth more than Rs.10,000 or on contracting loans to the extent of Rs.20,000. Recently several estates have shown a very queer position. While under the management of the court of wards I know of more than one estate in which no property is saved to the wards and they are turned out helpless after the management is withdrawn. Such cases, I think, should be controlled by Government.

Raja Jagannath Bakhsh Singh: I think that the amendment of this amendment was drafted by the honourable member before the amendment which has just been passed by the House was on the order paper. I had the pleasure of looking into the draft of this amendment but I would say that I myself was not aware of the sub-clause in the amendment which we have just passed.

[Raja Jagannath Bakhsh Singh]

That is, all proposals for the sale or purchase on behalf of an estate under its superintendence of property whether movable or immovable for more than Rs.10,000, and all proposals for contracting a loan of more than Rs.20,000. So that all these matters can be referred to Government under this sub-clause by the Court of Wards Committee for final decision. After this provision in the Bill which has already been passed I think the mover of the amendment will agree with me that the amendment is not necessary.

Rai Bahadur Babu Awadh Behari Lal: I beg to withdraw the motion with your permission, Sir.

The motion was, by leave, withdrawn.

The Hon'ble the President: The question is that in clause 3, section 5(c) the amendment proposed by the Hon'ble the Finance Member and amended by Mr. Chintamani and Raja Jagannath Bakhsh Singh, be substituted.

The question was put and agreed to.

The Hon'ble the President: The question is that clause 3 as amended stand part.

The question was put and agreed to.

CLAUSE 4.

4. For section 6 of the United Provinces Court of Wards Act, 1912, the following section shall be substituted,
Amendment of section 6 of United Provinces Act, IV of 1912. namely :

6. (i) Subject to the provisions of section 5 the following business shall be disposed of by the Court of Wards :
 Distribution of business.

(a) The delegation of powers under section 7.

(b) All questions relating to the assumption or non-assumption of the superintendence of the person or property of a proprietor or minor under section 12(2) or 12(3) and to the release or non-release of person or property from superintendence under sections 44, 45 or 46.

(c) All proposals for the sale or purchase on behalf of an estate under its superintendence of property *whether movable or immovable* for more than Rs.10,000, and all proposals for contracting a loan for more than Rs.20,000.

(d) All questions under section 25 relating to the sums to be allowed for the expenses of any ward and of his family and dependents, *if the sum involved is not less than Rs.1,200 annually recurring or Rs.5,000 non-recurring.*

(e) All questions relating to the residence and education of wards under section 28.

(f) *Any matter connected with any budget which any member of the Court of Wards desires to bring before the court.*

(g) Other matters which under section 63 are required to be laid before the Advisory Committee and in which the Collector disagrees with the opinion of that Committee.

(h) All matters which under section 63(1) are required to be referred to the Advisory Committee and in which the Collector agrees but the President disagrees with the opinion of that Committee.

(i) The making of rules under section 64.

(j) All matters regarding trusts, temples, mosques, and waqfs.

(k) Any other business which the President may think proper.

(ii) All other business shall be disposed of by the President.

The Hon'ble the President : Now we come to clause 4. Motion no. 5. Raja Jagannath Bakhsh Singh.

Raja Jagannath Bakhsh Singh : Sir, I beg to move that in line 3, section 6 (1)(c) for the figures "10,000" substitute "5,000." In this case also I suppose that it is not necessary for me to commend this amendment for the acceptance of the House with any explanation on this subject. I therefore commend this amendment for the acceptance of the House.

The Hon'ble the Finance Member : Sir, I accept this amendment.

The Hon'ble the President : The amendment moved was that in clause 4 in section 6(1)(c) for the figures "10,000" the figures "5,000" be substituted. The question is that the figures 10,000 stand part.

The question was put and negatived.

The Hon'ble the President : The question is that the figures "5,000" be inserted there.

The question was put and agreed to.

The Hon'ble the Finance Member : I beg to move that at the end of sub-clause 6(1)(e) the following be added :

"or relating to the marriage of or other important domestic ceremony affecting wards."

It is printed here "wards" but it should be "a ward."

The Hon'ble the President : The amendment moved is that in clause 4, section 6(1)(e) the following be added at the end :

"or relating to the marriage of or other important domestic ceremony affecting a ward."

The question is that this amendment be made.

The question was put and agreed to.

The Hon'ble the Finance Member : I beg to move that the following be substituted for section 6 (1)(f) :

"The budget of the Court of Wards and the budgets of those estates under its superintendence whose budgets any member may from time to time desire to be brought before the Court of Wards for sanction."

Raja Jagannath Bakhsh Singh : I do not wish to move my own amendment and just want to take two minutes of the Council in order to explain the position. Sir, this is one of those matters in which I thought that absolute powers should be given to the Court of Wards Committee, i.e. the budget should be passed finally by the Court of Wards Committee and in this case also I have agreed not to move my

[Raja Jagannath Bakhsh Singh.]

own amendment and to accept the amendment of the Hon'ble the Finance Member in view of the fact that the ultimate power of passing the budget will rest with the Court of Wards Committee. There are so many estates under the supervision of the Court of Wards that if the budgets of all those estates had to be considered and passed by the Committee, it would take a very large amount of time of the committee. As under this amendment the final authority in the matter of passing budgets rests with the committee, I support the amendment that has just been moved by the Hon'ble the Finance Member.

The Hon'ble the President: The amendment moved was that in clause 4 for section 6(1)(f) the following be substituted :

"The budget of the Court of Wards and the budgets of those estates under its superintendence, whose budgets any member may from time to time desire to be brought before the Court of Wards for sanction."

The question is that this amendment be made.

The question was put and agreed to.

The Hon'ble the Finance Member: I beg to move that after section 6(1)(f) a new sub-clause be inserted as follows :

"(g) The entry in a general waiting list of the names of candidates considered suitable for appointment as managers, assistant managers, guardians, tutors, governesses, companions, and to any post under the Court of Wards other than that of the President or Secretary carrying a salary of more than Rs.100 per mensem."

The sub-clauses (g), (h), (i), (j) and (k) be renumbered as (h), (i), (j), (k) and (l) respectively.

The Hon'ble the President: The question is that the following be inserted as section 6(1)(g) :

"The entry in a general waiting list of the names of candidates considered suitable for appointment as managers, assistant managers, guardians, tutors, governesses, companions, and to any post under the Court of Wards other than that of the President or Secretary carrying a salary of more than Rs 100 per men. em."

The question was put and agreed to.

The Hon'ble the President: The question is that sub-clauses (g), (h), (i), (j) and (k), be read as sub-clauses (h), (i), (j), (k) and (l) respectively.

The question was put and agreed to.

The Hon'ble the Finance Member: I beg to move that—

for the roman figure (i) at the beginning of section 6 the arabic figure (1) be substituted,

for the figure 6(i) at the beginning of the second sub-section to section 6 the figure 6(2) be substituted.

And that the following be added as sub-section (3) to section 6 :

"Any member may bring up before the Court of Wards any matter which he desires to initiate and may ask the President for information on any matter."

The Hon'ble the President: The question is that the following be added as sub-section (3) to section 6, clause 4 :

"Any member may bring up before the Court of Wards any matter which he desires to initiate and may ask the President for information on any matter."

The question was put and agreed to.

The Hon'ble the President: As to the other amendment, it is only a clerical thing and will be done in office.

The Hon'ble the President : The question is that clause 4 as amended stand part.

The question was put and agreed to.

CLAUSE 5

5. After section 6 of the United Provinces Court of Wards Act, 1912, the following section shall be added namely :
Addition of a new section after section 6 of United Provinces Act IV of 1912.

6A. (i) The Court of Wards shall meet for the transaction of business at least once every month.

Meetings. The President may convene a meeting whenever he thinks fit.

(ii) The quorum necessary for the transaction of business at a meeting of the Court of Wards shall be five members including the President :

Quorum. Provided that, if at any meeting of the Court of Wards five members are not present, the President shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting, if there had been a quorum shall be brought before and transacted at the adjourned meeting, whether there is a quorum thereat or not.

(iii) At every meeting of the Court of Wards the President shall preside, or in his absence a member of the Court chosen for that meeting by the members present.

(iv) Except as otherwise provided by this Act all questions which may come before any meeting of the Court of Wards shall be decided by a majority of the votes of the members present.

(v) In case of an equality of votes, the President of the meeting shall have a second or casting vote.

(vi) (a) *The President shall hold office till another officer is appointed by the Governor: Ordinarily the President shall hold office for a period of five years, but shall be eligible for re-appointment.*

(b) The members of the Court of Wards who are members of the Legislative Council shall hold office for so long as they remain members of the Legislative Council.

(c) The term of office of the other members shall be three years from the date on which they are elected or nominated.

(vii) If any members dies or resigns his place shall be filled by the authority which elected or nominated him :
Procedure on vacancy in appointment of member.

Provided that the Court of Wards may co-opt a substitute till the election is held or the nomination is made.

If the term of office of a member expires, the authority which elected or nominated him shall make a fresh election or nomination, provided that the same member shall not be debarred from being re-elected or re-nominated.

The Hon'ble the Finance Member : I beg to move that in section 6-A(6)(a) for the words " The President shall hold office till another officer is appointed by the Governor. Ordinarily the President shall hold office for a period of five years, but shall be eligible for re-appointment " the following be substituted :

" The President shall hold office for three years unless he is on the recommendation of the Court of Wards removed by the Governor before the expiry of that period, in which case he shall vacate his office :

Provided that on the recommendation of the Court of Wards the period of three years may be extended at the discretion of the Governor for such further period not exceeding three years as the Court of Wards may recommend :

Provided also that the Governor may grant leave to the President and may after consulting the Court of Wards make such temporary appointment as he thinks necessary."

The Hon'ble the President : The amendment moved is that in section 6-A(6)(a) for the words " The President shall hold office till another officer is appointed by the Governor. Ordinarily the President shall hold office for a period of five years, but shall be eligible for re-appointment " substitute the words " The President shall hold office for three years unless he is on the recommendation of the Court of Wards removed from office by the Governor before the expiry of that period, in which case he shall vacate his office :

Provided that on the recommendation of the Court of Wards the period of three years may be extended at the discretion of the Governor for such further period not exceeding three years as the Court of Wards may recommend :

Provided also that the Governor may grant leave to the President and may after consulting the Court of Wards make such temporary appointment as he thinks necessary."

The question was put and agreed to.

The Hon'ble the Finance Member : I move that in section 6-A(6)(c) for the word " three " the word " four " be substituted.

The Hon'ble the President : The question is that in section 6-A(6)(c) for the word " three " the word " four " be substituted.

The question was put and agreed to.

Raja Jagannath Bakhsh Singh : Sir, I consider that my amendment no. 20 is important. I therefore beg to move that at the end of section 6-A delete the first paragraph of the proviso. I wish therefore to refer it to the honourable House in a few words. The paragraph which I propose to amend is " provided that the Court of Wards may co-opt a substitute till the election is held or the nomination is made." This proviso empowers the Court of Wards Committee to co-opt a member without election for filling the vacancy of an elected member. This in itself is against the principle of election. I think the committee should not be empowered to co-opt anybody it likes for filling a certain vacancy which has been caused by either the expiry of the term of a member or by resignation. I think I need not argue this question before the House at

any great length. The case is self-evident and I hope the House will support me and further that the Government will be pleased to agree with me

The Hon'ble the Finance Member: To be candid Sir, I cannot imagine how this ever came in here. I know it was put in by the Select Committee but it must have been in a moment of mental aberration. What the Raja Sahib said is perfectly true and valid and I have no objection whatever to cutting it out.

The Hon'ble the President: The amendment moved was that the proviso be deleted.

The question is that the proviso stand part

The question was put and negatived.

The Hon'ble the Finance Member: Sir, I beg to move that at the end of section 6-A the following be added as sub-section (8):

(8) When a question of appointment to one of the posts mentioned in clause (g) of section 6 1) arises Procedure of appointment to certain posts under the Court of Wards. the Court of Wards shall select from the general list mentioned in that clause a panel of persons considered suitable for such appointment and the President shall make the appointment ordinarily out of such panel. If the President desires to appoint a person not mentioned in such general list, he shall refer the name to the Court of Wards and obtain their assent to its addition to the panel.

The Hon'ble the President: The question is that this insertion be made.

The question was put and agreed to.

The Hon'ble the Finance Member: Sir, I have to suggest a ninth sub-section to section 6-A which reads as follows:

"No act or proceeding of the Court of Wards shall be deemed invalid merely by reason of a vacancy in the Court of Wards or of a defect in the election or nomination of a person acting as a member of the Court of Wards or in the appointment of a person acting as President of the Court of Wards."

That, Sir, is a suggestion which was made to me at the last session as necessary to fill up a lacuna. I forgot all about it until my legal friends brought it to my notice. I think there is nothing controversial in it and it is obviously desirable.

The Hon'ble the President: The question is that the following be added as sub-section (9) to section 6-A:

"No act or proceeding of the Court of Wards shall be deemed invalid merely by reason of a vacancy in the Court of Wards or of a defect in the election or nomination of a person acting as a member of the Court of Wards or in the appointment of a person acting as President of the Court of Wards."

The question was put and agreed to.

Raja Jagannath Bakhsh Singh; Sir, in view of the fact that the object of my amendment has been incorporated in clause 4, sub-section (3), I do not wish to move the amendment.

The Hon'ble the President: The question is that clause 5 as amended stand part.

The question was put and agreed to.

CLAUSES 6 AND 7

6. In sub-sections (1) and (4) of section 63 of the United Provinces Court of Wards Act, 1912, for the words "the local Government" shall be substituted the words "the Court of Wards."

Amendment of section 63 of United Provinces Act IV of 1912.

7. In section 64 of the United Provinces Court of Wards Act, 1912, for the words "the Board of Revenue" shall be substituted the word "the Court of Wards."

Amendment of section 64 of United Provinces Act IV of 1912.

The Hon'ble the President: The question is that clauses 6 and 7 stand part.

The question was put and agreed to.

PREAMBLE AND CLAUSE 1

United Provinces Act No. II of 1912. Whereas it is expedient to amend the United Provinces Court of Wards Act for the purposes hereafter appearing :

It is hereby enacted as follows :

Short title. 1. This Act shall be called the United Provinces Court of Wards (Amendment) Act, 1933.

The Hon'ble the President: The question is that clause 1 and the preamble stand part.

The question was put and agreed to.

The Hon'ble the Finance Member: Sir, there are a few verbal changes to be made.

The Hon'ble the President: Yes.

Mr. J. J. W. Allsop: Sir, I beg to move that the word "and" be added at the end of sub-section (2) to clause 5(e).

This is due to the deletion of sub-section (4).

The Hon'ble the President: The question is that the word "and" be added to section 5(e)(ii).

The question was put and agreed to.

Mr. J. J. W. Allsop: As suggested by the Hon'ble the Finance Member I propose that the word "comment" be substituted for the word "criticism" at the end of clause 3.

The Hon'ble the President: The question is that the word "comment" be substituted for the word "criticism."

The question was put and agreed to.

The Hon'ble the Finance Member: Sir, I move that the Bill which has just now been discussed, as amended, be passed.

When this Bill was before the House on the first occasion it seemed as if we would never finish it. But thanks to the willingness of my friends opposite to come halfway to meet us we have managed to get it through in about 25 minutes, or possibly half an hour. I thank them for the way in which they responded to my request for kind treatment, and I move that the Bill be now passed.

Mr. C. Y. Chintamani: Mr. President, I cannot let this occasion pass without saying just a few words. I am glad the Hon'ble the Finance Member in his last speech made a reference to our attitude. It

was not only we who met him halfway; he was also very willing to meet us as far as possible. I endorse his observations that the atmosphere in this House when this Bill was last before it in the month of March did undoubtedly suggest the possibility or even the probability of the Bill never reaching the statute book; and if the provisions of the Bill had remained as they were and if there had not been a Finance Member like the gentleman whom we face and if no serious attempt had been made at reaching an adjustment to satisfy both parties, then his fears would have materialized. I myself was fully determined to utilize every single opportunity, substantial or technical, in order to prevent the Government from taking this Bill as it originally was to the statute book. I was determined to utilize every opportunity of criticism and even of obstruction in order to frustrate their purpose. What amount of change the Bill has undergone can be understood from the circumstance that I am here in my place not to do any such thing but heartily to congratulate the Hon'ble the Finance Member on the splendid attitude he has adopted. I do not exaggerate when I use the adjective "splendid," and if honourable members had been present at our private discussions on Sunday afternoon for a couple of hours they would have been in a position wholly to endorse my observation with regard to his splendid attitude. Sir, here is a lesson and a moral to other members of Government, present and future. In England it has been stated that the function of the Opposition is to oppose. Here too its function is to oppose, but not to oppose everything and everybody at every time. We have to recognize the merits of a case. We recognize the circumstances of an occasion and whenever honourable members opposite render it possible for us to cooperate, we most gladly embrace that opportunity, and it is only when they drive us to oppose, sometimes with vehemence and bitterness, that we show that we are as ready to oppose as we are to cooperate. Sir, under the present constitution the assumption and the expectation have been that there would be a cordial atmosphere of cooperation between the members of the Government in charge of transferred subjects and their fellow-elected members, and that the atmosphere would be surcharged with electricity, and that bitter opposition would mark the relations between that half of the Government which owes its responsibility to the Secretary of State and can snap its fingers at our face and tell us to go. Actually, what has been our experience? I do not hesitate to say that we have found it always (I should say nearly always) as possible to cooperate with the Members of the Executive Council as with Ministers. So far so good. But more recently we have found it much easier and much pleasanter to cooperate with the Members of the Executive Council, the irresponsible or the bureaucratic half of the Government, than with the other half. I do not wish to stress this point. I leave the moral to be read by everyone. My honourable friend, the Home Member, smiles. He remembers that he was a most efficient bureaucrat during the major part of his life. He remembers the many conflicts of opinion between him and us on this side just as I remember with no pleasure the harsh words which were uttered by both sides. The Hon'ble Home Member is no longer an I. C. S. in the unreal sense of the term. Having ceased to be an I. C. S. he is now an Indian civil servant. I hope honourable members opposite will

[Mr. C. Y. Chintamani]

realize that it rests far more with them than with anybody who is not in office and in power, to win the approbation, the appreciation, and even the gratitude of those who are their habitual critics by showing an attitude of equality, of impartiality, of fairness and of courtesy instead of acting as if, in the language of Lord Curzon, all wisdom was wrapped up in the napkins of the officials and as if all nonofficials must be so many congenital idiots.

Now, Sir, having said what I had to say about my old friend the Finance Member, I wish to add that justice requires, and it is a most pleasant duty to give to justice what is its due, that I should not omit to mention that at our Sunday's discussion we received the most friendly and helpful cooperation from that able officer the Revenue Secretary, who is the right-hand man of the Finance Member in this subject. I invite the Council to join with me in the expression of appreciation of the help that has been rendered by Mr. Lane.

One word more. There is a third person here who requires to be congratulated heartily and that is Raja Jagannath Bakhsh Singh. I have known since 1927 his keenness about this subject. He may have been indifferent about any other matter, but he has never shown the slightest indifference to the necessity of a reform of the Court of Wards. He has his reward today. After several disappointments I am sure the reward is the more prized by him. I followed him in all his thoughts both in private and here and I congratulate him heartily upon the success of his assiduous efforts in this behalf.

Mr. President, that very important section of the people of the United Provinces, the landlords, have now a splendid opportunity of proving to everyone that the credit given to them, that they have got inherited administrative capacity is fully justified and they will show that they will take an honourable part in the working of the new constitution that will come into force at an early date by proving their efficiency, their disinterestedness and their practical sagacity in the conduct on the affairs of the Court of Wards. I trust that such members will be sent to the Court of Wards by the British Indian Association and the Agra Province Zamindars' Association, that whoever may be its President will have occasion to thank them for their practical assistance, and that the zamindars will show that we, the people of India, are eminently fit to manage our own affairs, and that the more opportunities are given to us to show our mettle the more shall we justify the confidence reposed in us and the more shall we work to show to those who have got a constitutional distrust of us to eradicate that distrust, so that they may be compelled to give to us what is our legitimate due in the governance of our country. I congratulate the landlords on what they have achieved and wish them, with the friendliest will in the world, the greatest success in the management of the Court of Wards and hope that their future will be even brighter than their past has been. Sir, congratulations all around.

Raja Jagannath Bakhsh Singh: Sir, the Hon'ble the Finance Member thanked the non-official members for having gone halfway to meet him in getting this measure easily passed. I think, Sir, our thanks are due to him for meeting us halfway. It is not the non-official members who hesitate in going half the way to meet the Government.

I do not think I shall be far wrong in my statement if I say that Governments are not often ready to meet non-officials halfway. If therefore on this occasion the Government met the non-official opinion in such a manner as to disarm criticism and to shorten the controversy over this Bill, thanks are due to the Hon'ble the Finance Member. When this measure came up before this House in March last I was very diffident about it. The estate owner has been notoriously unlucky during the last three or four years, that I did not expect that he would be so fortunate as to get this measure passed in such a manner as to get some substantial power in the administration of his estate. Sir, with the Hon'ble the Finance Member being in charge of this measure and the Hon'ble Kunwar Jagdish Prasad as his colleague in the Executive Council and that Executive Council being presided over by His Excellency Sir Ahmad Sa'id Khan, nobody will be surprised that the case of the estate owner has for once at least been carefully considered. I am, therefore, not at all surprised that for these reasons the controversy over this Bill has been curtailed. I quite agree with the previous speaker that the association of landowners that are to send their representatives to this Committee will be so careful as to send such men who will be a credit to their name and will prove that they are capable of administering their affairs, and by this strengthen their case for an early revision of the Act. I am much obliged to the Leader of the Opposition for his very kind words about myself. I do not think I have done any more than any other non-official member of this House. If I have taken more interest in the matter I think it was my duty and if I had not done so I would have felt that I have failed in the discharge of my duty. So I do not think I deserve any credit.

On the other hand, the keen interest that the Leader of the Opposition has taken in this Bill has been of great assistance to us in getting this measure passed in this form. I therefore support the motion that the Bill be passed.

***Rai Rajeshwar Bali :** If I stand up I rise to speak not as a member of the Nationalist Party, but as a zamindar. I remember how questions relating to the Court of Wards were dealt with, say, six or seven years ago. I remember how the Government was always nervous of parting with even a particle of power when the question of the Court of Wards was concerned. It is, therefore, very gratifying to me that today under the auspices of the Hon'ble the Finance Member we have at last been able to get a Bill which will go some way to satisfy our legitimate aspirations in this direction. As has been pointed out by the Hon'ble the Finance Member himself this does not give us all that we want, but it is the first step and a very good first step, and for all this we should be immensely grateful to him personally. Speaking as a zamindar, as I do at the present moment, I hope it will not be taken as ungracious if I take this opportunity of expressing my hearty thanks to my distinguished leader who has used his extraordinary ability and powers of expression in support of our cause and for this we shall always be grateful to him. I also congratulate the honourable the Leader of the Independent Party for the great pains that he has taken in this debate.

***Speech not revised by the honourable member.**

Captain Nawab Muhammad Jamshed Ali Khan : On my own behalf and on behalf of the Agra zamindars I offer my sincerest thanks to the Hon'ble the Finance Member for this piece of legislation, for which the zamindars were cherishing hopes for a long time and were making demands. Now it remains with the zamindars to justify that demand by sending their right type of representatives in the Committee and to show in what way they should work there to be benefited by the measure. I also thank the honourable the Leader of the Opposition for his sympathetic speech. I think now the good days of the zamindars are returning that even the Leader of the Opposition has begun to espouse the cause of this unfortunate class. I will be failing in my duty if I do not offer my thanks to the Leader of the Independent Party for his untiring efforts over this Bill. I hope this measure of legislation will prove successful and through it the unfortunate condition of the zamindars will be very much improved.

The Hon'ble the Finance Member : I do not want to detain the House at this late hour, especially as we have all been invited somewhere else, but I must thank the various speakers who have referred to what I have done and what Mr. Lane has done—especially Mr. Lane because he does not not always get the thanks that he invariably deserves. For the rest, I have only to say that the landlords have now got their Bill. I wish them luck with it. If there is any help that any member of Government in his private capacity can give to them, I am sure that they are welcome to it. I again wish them luck and I hope that the Bill may now be passed.

The Hon'ble the President : The question is that the Bill to amend the United Provinces Court of Wards Act, IV of 1912, as amended, be passed.

The question was put and agreed to.

RESULT OF ELECTION TO THE ADVISORY COMMITTEE OF THE HARCOURT BUTLER TECHNOLOGICAL INSTITUTE, CAWNPORE

***The Hon'ble the President :** As the result of the election held for the Advisory Committee of the Harcourt Butler Technological Institute, I declare Kunwar Jagbhan Singh elected, as he secured the largest number of votes.

AMENDMENT OF THE STANDING ORDERS RELATING TO ELECTIONS BY NON-OFFICIAL MEMBERS OF THE HOUSE

The Hon'ble the President : There is just a little business to be done. As it happens to be the last day of meeting, it may be done today. I had directed that it should be taken up at this stage. Pandit Joti Prasad Upadhyaya asks leave of the House to move an amendment to the Standing Orders, which he will read himself.

Pandit Joti Prasad Upadhyaya : I beg to ask for leave to amend the Standing Orders.

The Hon'ble the President : Will the honourable member kindly read the amendment ?

(After a pause.)

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I think I had better do that work for the honourable member. The amendment is the addition of a Standing Order to the following effect:

“When in pursuance of an Act of a local legislature non-official members of the Council have to elect their representatives on a public body, the Secretary shall, when requested by the body concerned, arrange to hold an election in accordance with the directions of and regulations made by the President in this behalf.”

Is there any objection to leave being given?

(No objection.)

Pandit Joti Frasad Upadhyaya: I beg to move that the amendment be referred to a select committee and for the select committee the following members be elected:

Mr. C. Y. Chintamani,
Raja Jagannath Bakhsh Singh,
Rai Bahadur Awadh Bihari Lal,
Rai Rajeshwar Bali,
Khan Bahadur Hafiz Hidayat Husain,
Chaudhri Bharos,
Pandit Shri Sadayatan Pande, and
Rai Bahadur Mr. Phool Chand Mogha.

The Hon'ble the President: Any amendment to this?

(After a pause.)

The question is that the said amendment be referred to a select committee and that for this select committee the following members be elected:

Mr. C. Y. Chintamani,
Raja Jagannath Bakhsh Singh,
Rai Bahadur Awadh Bihari Lal,
Rai Rajeshwar Bali,
Khan Bahadur Hafiz Hidayat Husain,
Chaudhri Bharos,
Pandit Shri Sadayatan Pande, and
Rai Bahadur Mr. Phool Chand Mogha.

The question was put and agreed to.

The Hon'ble the President: Under Standing Order 87, I nominate Rai Bahadur Babu Vikramajit Singh, of the panel of chairmen, on the select committee.

(The Council was then adjourned sine die at 4 p.m.)

APPENDIX A

(See page 426 *supra*)

Statement referred to in the answer to starred question no. 12 for 5th July, 1933, asked by RAI BAHADUR BABU VIKRAMAJIT SINGH SAHIB

Number of students admitted in 1932-33	Number of applications rejected				
	1928-29	1929-30	1930-31	1931-32	1932-33
General Research section 5	62	83	17	12	4
Oil section 18		30	24	7	4
Leather section .. 1		9	8	7	..
Sugar section 40		27	27	28	157

APPENDIX B

(See page, 427 *supra*)

Copy of rules referred to in reply to starred question no. 13 for 5th July, 1933, asked by MUNSHI GAJADHAR PRASAD

The following rules which were passed at a Judges' Meeting on the 10th April, 1933, are notified for information and compliance :

I. (1) (a) Advocates when appearing in court-rooms should wear black coats of any design or material, with any kind of trousers and socks, and shoes of English pattern, and

(b) Black gowns of alpaca or any other black material.

(c) Advocates should be either bare-headed or wear white Indian turbans.

Note.—Rule I. (1) (a) and (c) shall not apply to a lady Advocate who should appear in a black dress, without a hat.

(2) Advocates' clerks should appear in black coats of any design or material, and wear shoes of English pattern.

(3) Advocates' chaprasis should wear white turbans.

II. (1) Bench readers and Judgement writers should have black coats and any kind of trousers.

(2) High Court peons in the court-room should be in their uniforms.

III. (1) Chewing and smoking inside court-rooms are strictly prohibited.

(2) Talking, except in a very low tone, is prohibited.

(3) Noise of all kinds is prohibited. Persons troubled with fits of coughing should go out of the court-rooms.

(4) Creaking shoes are not allowed inside court-rooms.

(5) Persons found sleeping on the visitors' benches should be asked by the High Court peons to leave the room.

(6) Clerks of advocates should not remain standing between chairs reserved for the Bar, but may stand behind them.

(7) High Court peons and advocates' chaprasis can sit on floors but not on visitors' benches.

IV. (1) Walking-sticks and umbrellas should not be brought inside the High Court buildings.

(2) Persons wearing shoes which can be easily slipped must leave them outside the Court buildings.

By order of the Court,

L. D. JOSHI,

Registrar.

13th April, 1933

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